

July 14, 2009



TRANSCRIPT

July 14, 2009

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Michael Knapp

Councilmember Nancy Floreen

Councilmember Nancy Navarro

July 14, 2009



1 COUNCIL PRESIDENT ANDREWS:

2 Good morning, everybody, and welcome to a meeting of the Montgomery County Council.  
3 We are going to begin our meeting with an invocation by the Reverend Jan Lookingbill of  
4 the Emmanuel Lutheran Church in Bethesda. Welcome. Please join me.

5  
6 JAN LOOKINGBILL:

7 Let us pray. O Lord, our lord, how exalted is your name in all the world. We give you  
8 thanks for your abundance and for your generosity and the generosity especially that  
9 you've given to this county, as evidenced in a particular way in the renovation of this hall,  
10 but also the generosity of the resources that are available to this county for the benefit of  
11 the people who live here, who visit here, who work here, who come here. We give you  
12 thanks especially for those who serve on County Council, for those who serve in public  
13 office, for it is indeed a difficult task to be able to set aside personal issues to work for the  
14 common good, and yet they do so, with your guidance and with your help. Continue to  
15 bless them, heavenly father, as they tackle the problems of resources and the  
16 development of the plans for this County, to help them also to be able to develop  
17 resources for the teaching of our children, for the education of our teachers, and the  
18 support of all of our schools. Bless and guide us in this County, rich in abundance and yet  
19 also filled with the challenges of modern life. We pray especially that in all that we plan,  
20 you will keep in mind those who are less capable of defending themselves, those who are  
21 vulnerable in so many ways, those who are voiceless in our society. Keep us mindful of  
22 the needs of others, and keep us mindful of your great abundance that gives us the  
23 opportunity to make plans and to share. With your abundance, heavenly father, remind us  
24 always to be, indeed, servants of the people. We trust in your mercy and in your loving  
25 kindness. In your holy name we pray. Amen.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 Amen. Thank you, Reverend Lookingbill. We're now going to have a presentation in  
29 recognition of Diane Kolata, who is the recipient of the Agnes Meyer Teacher of the Year  
30 Award, by Councilmember Valerie Ervin.

31  
32 COUNCILMEMBER ERVIN:

33 And Councilmember Berliner.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 And Councilmember--Council Vice President Berliner.

37  
38 COUNCILMEMBER ERVIN:



July 14, 2009

1 Good morning. This has been a bellwether year for outstanding teacher awards here in  
2 Montgomery County. I have presented proclamations for the following:  
3 Montgomery County Teacher and Principal of the Year, the state Siemens Award for  
4 Advanced Placement, the national Excellence in Urban Education Award, and the Agnes  
5 Meyer Principal of the Year. Today, I am very happy to present the Agnes Meyer Award  
6 that The Washington "Post" gives to an outstanding teacher each and every year, and the  
7 Agnes Meyer award this year goes to fifth-grade teacher Diane Kolata, who has been  
8 teaching at Chevy Chase Elementary School for four years. A National Board Certified  
9 teacher, Miss Kolata gives students choices which allows them to take ownership of their  
10 learning. For example, being able to select a book based on their interests motivates  
11 students to achieve at a higher level and boosts their understanding. This, she says,  
12 "empowers students because it allows them to contribute large amounts of background  
13 knowledge to group discussions. It also lets them know that I believe in them so that they  
14 believe in themselves." Miss Kolata believes that working in groups allows children to  
15 support one another, and she creates extraordinary educational experiences that leave  
16 lasting impressions on her students. Diane takes pride in finding educational projects that  
17 are a good fit for each learner. She even had one of her students create a movie trailer to  
18 demonstrate his understanding of the plot of a novel. She individualizes her teaching  
19 techniques to reach out to children to get them motivated to learn. Her hard work has paid  
20 off. There have been improvements in scores for the fifth-grade MAPR reading  
21 assessments and the Maryland School Assessment for reading. Under Diane's leadership  
22 at Chevy Chase Elementary School, the fifth-grade reading scores have soared. The  
23 percentage of students rated "advanced" on Maryland school assessments in reading has  
24 risen from 58% in 2005-- the year prior to her arrival --to 91% in 2008. So we want to  
25 congratulate Miss Kolata, and I will take this opportunity now to read the proclamation on  
26 behalf of the County Council. "Whereas, each year The Washington "Post" honors  
27 exceptional men and women in the teaching profession who exemplify excellence in their  
28 profession; and whereas, Diane Kolata, a fifth-grade reading and language arts teacher  
29 extraordinaire at Chevy Chase Elementary School, this year is a recipient of the "Post"'s  
30 prestigious Agnes Meyer Outstanding Teacher Award; and whereas, Miss Kolata's literary  
31 circles are reminiscent of college-level seminars, with the student-run small group  
32 discussions featuring students asking sophisticated questions to each other and offering  
33 critiques of each other's work; and whereas, Miss Kolata embeds technology in her  
34 lessons by giving students a remote control to lock in responses to questions that appear  
35 on the interactive whiteboard, resulting in immediate feedback and 100% class  
36 participation; and whereas, Diane Kolata's innovative methods to inspire students, all with  
37 an eye toward opening up the world of reading, include making sure that every book in her  
38 students --that every book her students read is available at all reading levels in working  
39 with a special educator to tailor rigorous texts for all audiences; and whereas, Diane



July 14, 2009

1 Kolata's impressive efforts exemplify how education professionals who are committed to  
2 academic excellence can open the doors of success for the young people of Montgomery  
3 County; and now, therefore, be it resolved that the County Council of Montgomery County  
4 hereby congratulates Diane Kolata on receiving the Agnes Meyer Outstanding Teacher  
5 Award and thanks her for her past, present, and future work to light the lamp of learning  
6 for Montgomery County students. On--on--presented on this day, 14th day of July in the  
7 year 2009." Signed by Phil Andrews, Council President. And so I would say  
8 congratulations again. I'm of course being joined by my colleague on the Council, Vice  
9 President Roger Berliner, who represents the school in his district, and I want to know if  
10 Miss Kolata would like to say anything--say a few words about her school and her  
11 students.

12  
13 DIANE KOLATA:

14 Thank you. I'm honored and humbled to accept this award. I've been teaching in Chevy  
15 Chase for four years, but that's only the fourth year I've been in Montgomery County  
16 public schools--best district in the state of Maryland. I say that honestly. The training and  
17 the high expectations that the County has set forth has made me become the best teacher  
18 I can. Becoming Nationally Board Certified is something I did through the County because  
19 of the support that they gave to me. Just something to leave in your minds--when I think of  
20 the children, that's why I teach. Children are messages we send into the future that we  
21 may never see, and it is important that we prepare them for a world that's constantly  
22 changing. So I thank you, and I'm extremely honored to accept this. Thanks.

23  
24 COUNCILMEMBER ERVIN:

25 Hang on. We're going to get a lot of pictures now.

26  
27 PHOTOGRAPHER:

28 OK, big finish. Here we go. Last one. Pretty good. Thank you.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 OK. Thank you, Miss Kolata, for all that you do for the children of Montgomery County,  
32 and thank you, Councilmember Ervin and Council Vice President Berliner, for the  
33 presentation. We're now going to move on to general business and announcements of  
34 agenda and calendar changes. Miss Lauer.

35  
36 LINDA LAUER:

37 Good morning. This week, we did have some changes on Thursday I want to alert you to.  
38 The Public Safety Committee meeting that was scheduled has been cancelled, and in its

July 14, 2009



1 place on Thursday the 16th, we've added a T&E Committee so they can complete their  
2 discussions on the CCT that they started yesterday.

3  
4 COUNCIL PRESIDENT ANDREWS:  
5 OK.

6  
7 UNKNOWN SPEAKER:  
8 What time will that be?

9  
10 LINDA LAUER:  
11 9:30. 9:30, yes.

12  
13 COUNCIL PRESIDENT ANDREWS:  
14 9:30.

15  
16 LINDA LAUER:  
17 We had discussed it in the afternoon, but we moved it to the morning.

18  
19 COUNCILMEMBER FLOREEN:  
20 Did we --did we coordinate with Park and Planning?

21  
22 LINDA LAUER:  
23 Yes.

24  
25 COUNCILMEMBER FLOREEN:  
26 That was the big issue.

27  
28 LINDA LAUER:  
29 That's why we moved it to 9:30.

30  
31 COUNCILMEMBER FLOREEN:  
32 Fine.

33  
34 COUNCIL PRESIDENT ANDREWS:  
35 The Public Safety's loss is T&E's gain.

36  
37 LINDA LAUER:  
38 Yes.

July 14, 2009



1 COUNCILMEMBER FLOREEN:

2 You're all quite welcome to join us.

4 COUNCIL PRESIDENT ANDREWS:

5 OK.

7 LINDA LAUER:

8 And then we did receive--

10 COUNCIL PRESIDENT ANDREWS:

11 Take that under advisement.

13 LINDA LAUER:

14 We received one petition, and that was from residents opposing the fare increase for the  
15 Ride On bus, route 70. Thank you.

17 COUNCIL PRESIDENT ANDREWS:

18 OK. Thank you. I want to note that two of our colleagues will not be with us this morning.  
19 Councilmember Leventhal is in China and is with a delegation of U.S. policymakers who  
20 are seeking to establish educational exchanges between the U.S. and China, and  
21 Councilmember Trachtenberg is attending a state and local government seminar program  
22 at Harvard. So they will not be with us today. I also want to announce that last week I was  
23 informed by John Sparks, who is the president of the Career Firefighters in Montgomery  
24 County, that Carlos Alfaro, a firefighter who served 34 years with our County, had died.  
25 He had retired in May. He served 34 years faithfully and well, and I expressed  
26 condolences on behalf of the Council. I do so again to his family, friends, and colleagues.  
27 We mourn his death, and we appreciate the many years of service that he dedicated to  
28 Montgomery County. I'm now going to ask if there are any petitions that we've received.

30 LINDA LAUER:

31 Yes. Yes. We did receive a petition opposing the fare increase for the Ride On bus.

33 COUNCIL PRESIDENT ANDREWS:

34 OK. I'm sorry.

36 LINDA LAUER:

37 That's OK.

39 COUNCIL PRESIDENT ANDREWS:

July 14, 2009



1 You got it. Thank you. You did mention that. All right. We'll now move on to approval of  
2 the minutes of June 15 and 23 of 2009. Is there a motion?

3  
4 COUNCIL VICE PRESIDENT BERLINER:

5 So moved.

6  
7 COUNCILMEMBER FLOREEN:

8 Second.

9  
10 COUNCIL PRESIDENT ANDREWS:

11 Moved by Council Vice President Berliner. Seconded by Councilmember Floreen. Are  
12 there any comments? Seeing none, all those in favor of the approval of the minutes of  
13 June 13--June 15 and 23, please raise your hand. And that is Councilmember Navarro,  
14 Councilmember Elrich, Councilmember Floreen, myself, Council Vice President Berliner,  
15 Councilmember Knapp, and Councilmember Ervin on the approval of the minutes. That's  
16 7-0. They are approved. Our next item is the Consent Calendar. Is there a motion for  
17 approval?

18  
19 COUNCIL VICE PRESIDENT BERLINER:

20 So moved.

21  
22 COUNCILMEMBER ERVIN:

23 Second.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 Moved by Council Vice President Berliner. Seconded by Councilmember Ervin. Are there  
27 any comments on the Consent Calendar? There--I don't hear any, but I will note that we  
28 do have a number of appointments today that we are making, and I want to acknowledge  
29 those people who are being appointed. We are confirming County Executive  
30 appointments to the Commission on Health--Jason K. Levine, Samuel P. Korper, Wendy  
31 W. Friar, Fadi Y. Saadeh, Duane J. Taylor, and Peter B. Sherer. We are also confirming  
32 County Executive appointments to the Glen Echo Park Partnership for Arts and Culture,  
33 the Board of Directors--Jennifer A. English; and also confirming County Executive  
34 appointments to the Pedestrian and Traffic Safety Advisory Committee-- Colleen  
35 Shapinas Mitchell, Steven H. Friedman, Lieutenant Ronald G. Smith, Art Holmes, who is  
36 director of our Department of Transportation, Justin S. Clarke, and Councilmember John  
37 B. Britton of the City of Rockville. And I know that we are also confirming appointments to-  
38 - reappointments to the Airpark Liaison Commission, and I will read those shortly, but I  
39 see there is a comment from Council Vice President Berliner.

July 14, 2009



1  
2 COUNCIL VICE PRESIDENT BERLINER:

3 Yes, sir. Thank you. I just wanted to share with my colleagues that I had a conversation  
4 with respect to the Airpark constituent who lamented deeply the state of play with respect  
5 to our Airpark and feels very strongly that our Airpark could be a incredible asset for the  
6 County that is totally undervalued and underinvested in, and I just wanted to share that  
7 with my colleagues. I will be hosting a meeting to understand more what the state of play  
8 is with respect to our Airpark. The comment was made that this is literally the closest  
9 airport to D.C. and that if you look around at other community airports that are much  
10 further away, they are assets financially and otherwise for those communities. And so I  
11 am invested in trying to understand better what the state of play is with respect to that,  
12 and I know that others have been involved in this conversation in the past, and just  
13 wanted to share with you my desire to look into this more deeply.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Very good. You're right. It is a major resource for the County, and your comment has  
17 generated another comment by Councilmember Knapp.

18  
19 COUNCILMEMBER KNAPP:

20 No. I appreciate Councilmember Berliner's interest. It is--it's a unique asset. I agree that it  
21 is underutilized, and it may even be worth it to attend one of the Airpark Commission  
22 meetings, community meetings, because it--I think it will show some of the interesting  
23 dichotomies that are there, because on the one hand, it is an underutilized asset, on the  
24 other hand, it's also sitting right next to four neighborhoods, and the balance that needs to  
25 be struck to get to there is a delicate one. But it's one that we should explore, and I look  
26 forward to working with you further on it, because it's--it's not simple, but it is something  
27 that we don't take anywheres near as much advantage of as we should. But we also need  
28 to make sure that we've got the right concerns, since at the end of each runway are two  
29 communities that will be deeply impacted no matter what we do.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 Thank you, and Councilmember Floreen, I think, has a comment as well.

33  
34 COUNCILMEMBER FLOREEN:

35 I think it's--Mr. Knapp has summarized many of the comments, but I would urge  
36 Councilmember Berliner--and I don't know if the other Councilmembers have done this --  
37 to go take a ride with a County helicopter to see the usage at the Airpark as well as a  
38 terrific exposure to land use patterns, transportation issues, and the like. Frankly, it should  
39 be required for all members of the T&E Committee to be--required for all members of the



July 14, 2009



1 Council to see how it really has played out over time. And that trip to the Airpark will also  
2 help with the appreciation of the challenges that the Revenue Authority faces.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Thank you, Councilmember Floreen. We will be--we're scheduled to approve the  
6 reappointment of members to the Airpark Liaison Committee next week, so I'll wait until  
7 then to read the names of the reappointees. All right. Thank you. Is there--ready for a  
8 vote, I expect, then, on the Consent Calendar, and we have several items for introduction,  
9 and a number for approval that are listed. All those in favor of the Consent Calendar,  
10 please raise your hand. That's Councilmember Navarro, Councilmember Elrich,  
11 Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp,  
12 and Councilmember Ervin. That Consent Calendar is approved, 7-0. Our next item is  
13 Legislative Session, day number 29, introduction of bills-- Expedited Bill 29-09 - Bond  
14 Authorization, sponsored by the Council President at the request of the County Executive.  
15 A public hearing is scheduled for September 15 at 1:30 P.M. Without objection, the bill is  
16 introduced. Our next bill is a call of bill for final reading--Bill 13-09, Consumer Protection -  
17 Advisory Committee - Membership. The Public Safety Committee is recommending  
18 approval. This bill was sponsored by Councilmember Leventhal, and it's a very simple bill.  
19 What it would do is allow members to serve on the Advisory Committee on Consumer  
20 Protection who are members of local merchant associations, as well as people who are  
21 members of county-wide associations of merchants. So Bill 13-09 would expand the  
22 eligibility for service in this --on this committee, and the Public Safety Committee thought  
23 this was a good idea and thanks Councilmember Leventhal for proposing it, and I will see  
24 if there are any comments or questions about this bill. Seeing none, then we are ready for  
25 a vote on Bill 13-09, Consumer Protection - Advisory Committee - Membership, and I'll  
26 ask the clerk to call the roll.

27  
28 CRYSTAL BROCKINGTON:  
29 Miss Navarro.

30  
31 COUNCILMEMBER NAVARRO:  
32 Yes.

33  
34 CRYSTAL BROCKINGTON:  
35 Mr. Elrich.

36  
37 COUNCILMEMBER ELRICH:  
38 Yes.



July 14, 2009

1 CRYSTAL BROCKINGTON:  
2 Miss Floreen.

3  
4 COUNCILMEMBER FLOREEN:  
5 Yes.

6  
7 CRYSTAL BROCKINGTON:  
8 Miss Ervin.

9  
10 COUNCILMEMBER ERVIN:  
11 Yes.

12  
13 CRYSTAL BROCKINGTON:  
14 Mr. Knapp.

15  
16 COUNCILMEMBER KNAPP:  
17 Yes.

18  
19 CRYSTAL BROCKINGTON:  
20 Mr. Berliner.

21  
22 COUNCIL VICE PRESIDENT BERLINER:  
23 Yes.

24  
25 CRYSTAL BROCKINGTON:  
26 Mr. Andrews.

27  
28 COUNCIL PRESIDENT ANDREWS:  
29 Yes. Bill 13-09 is approved, 7-0. Thank you. We're now ready for the District Council  
30 session, and we're on time, so we can begin it. First is action on a resolution to approve  
31 the use of Advance Land Acquisition Funds, known as ALARF, for acquisition of real  
32 property from Fairland Development LLC as parkland for the Fairland--additional parkland  
33 for the Fairland Recreational Park. The PHED Committee is recommending approval, and  
34 I'll ask the chair of the PHED Committee to report on the committee's recommendation.

35  
36 COUNCILMEMBER KNAPP:  
37 Thank you, Mr. Chair--or Mr. President. The committee met on this last week. This is a  
38 proposed acquisition of 52.88 acres of parkland that actually abuts a broader park in  
39 Prince George's County. It is a significant resource. It--the price for the acquisition, the



July 14, 2009

1 approximate cost for the acquisition, is 8.75 million. The committee felt that this would be  
2 a strong addition to our park assets, and the linkage along the right-of-way near the ICC  
3 made it even-- made a more compelling case. A map of the actual parcel for acquisition  
4 is--actually, there are a couple of them. There's one on, I believe, on circle...circle 5, circle  
5 16, and circle 27, so... The one on circle 27 actually is in color, so it may be a little better  
6 one to look at. The--probably the most significant issue that the committee discussed was  
7 the-- what this does to the ALARF funds. It takes our current ALARF resources from about  
8 \$14 million down to 5.25, assuming that we follow through with what we'd identified in the  
9 spring, a \$5 million transfer to the Building Lot Termination Program. There are no other  
10 significant pending acquisitions out there. There's one small one, about \$300,000, that  
11 may be, but there's always the possibility of new opportunities. The issue is, if we have  
12 another opportunity, what can we do? Are we stymied? And the reality is that if we need  
13 to, we can issue more bonds if such is the case. The committee is also going to come  
14 back at some point in the future and discuss what our baseline ALARF funding level  
15 should be. Should there be a minimum that we don't go below, and what do we do if we  
16 get to that point? So we will address that later on. But in spite of that, the committee felt  
17 that this was a significant acquisition, and was unanimous in--unanimous in its  
18 recommendation to the full Council to go ahead with the purchase.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 Thank you, Councilmember Knapp. Councilmember Navarro has a comment or a  
22 question.

23  
24 COUNCILMEMBER NAVARRO:

25 No, just a comment, and just want to thank the members of the PHED Committee for this  
26 recommendation and also urge my colleagues to support it. If anybody drives through  
27 District 4 and you are able to witness the construction of the ICC, you realize that  
28 definitely this is a district that has been disproportionately impacted by this construction,  
29 and I think that this acquisition allows at least, you know, a buffer, a natural buffer, 1.5  
30 miles from the ICC. And I think that especially for many of the residential communities that  
31 have come forward in support of this, at least it allows for some fairness in terms of all the  
32 land that has to be utilized for this construction. And I believe that hopefully this will allow  
33 us to preserve sensitive areas, environmentally sensitive areas in our district, so just  
34 wanted to express my appreciation for this recommendation.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 OK. Thank you, Councilmember Navarro. That's well said. All right. Are there any other  
38 comments or questions on this item? Seeing none, I'll ask for a vote, and this is not a roll  
39 call vote, I don't believe. That's correct?

July 14, 2009



CRYSTAL BROCKINGTON:  
Correct.

COUNCIL PRESIDENT ANDREWS:

It's correct. All right. So all those, then, in favor of the resolution to approve the use of ALARF funds for the purchase of the 58 acres, I think--52--roughly 53 acres at an approximate cost of 8.75 million for the acquisition of real property from Fairland Development LLC as parkland for Fairland Recreational Park, please raise your hand. And that is Councilmember Navarro, Councilmember Elrich, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp, and Councilmember Ervin. The resolution is approved, 7-0. Thank you, everybody. Our next item under the District Council session is item 6 on the agenda, and it's an action item regarding a request for oral argument and/or consideration of the Hearing Examiner's report and recommendation regarding application number G-878, Germantown LLC, regarding 8.46 acres located at 18451 Mateny Road, and the action is to rezone from C-1 to RT-15. Recommendation of the Planning staff, Planning Board, and Hearing Examiner is for approval, and I'll see if there is a motion that anyone cares to make regarding this property.

COUNCILMEMBER FLOREEN:  
I'll move approval.

COUNCILMEMBER ERVIN:  
Second.

COUNCIL PRESIDENT ANDREWS:

OK. Councilmember Floreen moves approval. Seconded by Councilmember Ervin. Let's see. Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. I just had a question on the packet because it was unclear if there is actually a request for oral argument, and so I just wanted to understand, as I went through everything and looking at the people who aren't necessarily in the room, my expectation is that there is not necessarily a formal request for oral argument before us. Is there?

JEFF ZYONTZ:

July 14, 2009



1 I did confirm that --that the request to submit testimony was, in fact, a request for oral  
2 argument. I did have a conversation with Miss Martinez yesterday that she was, in fact,  
3 requesting oral argument.

4  
5 COUNCILMEMBER KNAPP:

6 OK. And was there any expectation as to--I mean, any indication as to on what grounds  
7 they're requesting oral argument? Was it compatibility? Was it--

8  
9 JEFF ZYONTZ:

10 Well, they're-- her testimony was summarized in the Hearing Examiner's report. So as I  
11 don't go off the record in any way, basically, she had issues with--with compatibility and  
12 what I would describe as the general public interest. She--she found an interest in keeping  
13 a shopping center close to her residential community, as opposed to it converting to  
14 residential use. So that's how I would characterize her--her two areas of concern.

15  
16 COUNCILMEMBER KNAPP:

17 OK. It has been--actually, it's been interesting. It's been our practice on this Council to  
18 actually grant oral arguments when requested. I do so with a little bit of hesitancy today  
19 just because I'm not sure that it's clear exactly what the oral argument --although I think  
20 that, looking at the maps here relative to the adjacent community, I think the compatibility  
21 issue is certainly one of question, given the density, I think, of what's proposed relative to  
22 the density immediately adjacent. I would be--I would welcome hearing, I guess, from  
23 each side kind of how they would-- how they characterize it, and so I guess... I guess I  
24 would request that we actually grant oral argument at this point.

25  
26 COUNCILMEMBER ELRICH:

27 Second.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 OK. So it's been moved and seconded. Now, we had a motion for approval.

31  
32 COUNCILMEMBER KNAPP:

33 Right.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 Do we want to consider this as a substitute motion, then?

37  
38 JEFF ZYONTZ:

39 Did you have a second for the first motion?



July 14, 2009

1  
2 COUNCIL PRESIDENT ANDREWS:

3 Yes. Yeah. The motion was moved and seconded, so we'll--I think we'll have to take this  
4 as amendment, then, to have oral argument, and so this will be --it's been proposed as an  
5 amendment by Councilmember Knapp and seconded by Councilmember Elrich. Is there  
6 any discussion on the proposal for oral argument? Councilmember Ervin.

7  
8 COUNCILMEMBER ERVIN:

9 Yes. My question has to do with the --the--Miss Martinez and whether or not anyone had  
10 ever had any conversations with her prior to Mr. Zyontz contacting her yesterday. In other  
11 words, have--I'm just not sure why we would take this up at this time. Can you just give  
12 me a little bit more information about that?

13  
14 JEFF ZYONTZ:

15 Sure. She was a party of record. She testified in the Hearing Examiner's hearing. She was  
16 apprised of the Hearing Examiner's opinion when it was issued and given the--the general  
17 statement of her rights to request oral argument at that time. I think the date that she  
18 emailed Council was either July 2 or July 3, within the 10 days. I then tried to email her  
19 back to see whether she had actually made a request for oral argument and to confirm  
20 that, since it was really stated as "testimony," which is something that you cannot do. I did  
21 not get a reply back since she went on vacation until yesterday--or actually, she went--she  
22 had a personal matter to attend to, so she couldn't reply to--to my request. I have not  
23 heard back from Mr. Heise, who was not a party of the record who--I don't know if he is  
24 aggrieved party or not, who replied with the exact same language that--that Miss Martinez  
25 did, so I have not heard from him as to whether he really requested oral argument or not.  
26 You also had in your packet, by the way, a response from the applicant that said all  
27 matters were duly considered by the Hearing Examiner and you have sufficient evidence  
28 to go forward without oral argument.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 Councilmember Elrich and then Councilmember Knapp, and I think it would probably be  
32 helpful to specify the range of oral argument, as well, before we take it up.  
33 Councilmember Elrich.

34  
35 COUNCILMEMBER ELRICH:

36 I want to --I just have a couple of quick questions about the range of the discussion here.  
37 When this comes before us, am I free to ask questions, for example, about the traffic  
38 mitigation plan, and am I free to ask questions about the assertion in the report that  
39 management or the owner of the shopping center demonstrated economically that it

July 14, 2009



1 wasn't viable? Can I ask for documentation of that, or this--is that just an assertion by the  
2 applicant?

3  
4 JEFF ZYONTZ:

5 Well, it--I--

6  
7 PHIL TIERNEY:

8 It's really--

9  
10 JEFF ZYONTZ:

11 Please go ahead.

12  
13 PHIL TIERNEY:

14 Yeah. It's basically an assertion by the applicant, and given the fact that the applicant has  
15 a vested interest in the property and has experience in this area, we gave weight to that  
16 opinion, but it was not supported with any studies or anything like that.

17  
18 COUNCILMEMBER ELRICH:

19 I mean, frankly, I find that strange, because A, if I wanted to rezone a property, I'm going  
20 to say that I'd make more money if I get to do it another way, and for you to give greater  
21 weight to something without evidence --I mean, I--you know, the neighbors demonstrate  
22 convenience. You have evidence that there will be a loss of jobs. You have lots of other  
23 evidence of other impacts, and the countervailing evidence is somebody coming in and  
24 saying, "I won't make as much money as I want to." I mean, I'd--I guess I'd like to see  
25 evidence.

26  
27 JEFF ZYONTZ:

28 And again, the-- the--the Council is entitled to actually go through all elements of the  
29 record if they so choose to. What you get is a report and summary from the Hearing  
30 Examiner, but you can go down and go through the evidence, and of course, at oral  
31 argument, or if you decided this directly, you can ask the Hearing Examiner what existed  
32 in the record, what he based his conclusions on, and all matters pertaining to his report.

33  
34 COUNCILMEMBER ELRICH:

35 OK. So I can ask these questions, and they will be within the scope of what I'm allowed to  
36 ask.

37  
38 JEFF ZYONTZ:

39 If you read it first in the report...

July 14, 2009



1  
2 COUNCILMEMBER ELRICH:

3 Yes.

4  
5 JEFF ZYONTZ:

6 And then you're asking a question based on--on what you read in the report, you're  
7 entitled to ask the question.

8  
9 COUNCILMEMBER ELRICH:

10 So there's a direct reference in here to LATR ????? wanting mitigation, so I can ask about  
11 that, and there's a reference to the economic viability. OK.

12  
13 JEFF ZYONTZ:

14 Right. You could ask--again, you could ask that without oral argument.

15  
16 COUNCILMEMBER ELRICH:

17 OK.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 All right. Thank you, Councilmember Elrich. Councilmember Knapp.

21  
22 COUNCILMEMBER KNAPP:

23 Thank you, Mr. President. I would also add, we had a case a year or two ago in which we  
24 had some opponents to a property or people of record who weren't necessarily sure how--  
25 how this part of our process works, and I know that there had been some interaction with  
26 the people's counsel. I would strong--I know the people's counsel actually provided  
27 testimony as I read through the packet last night. I would strongly urge the folks  
28 requesting oral argument, if we --if it's so granted by the Council--and the people's  
29 counsel to link up with each other, because I think for this to be worthwhile, I think that is  
30 going to be something that is necessary. Oftentimes, it is our job to try and give voice to  
31 folks who don't necessarily understand how the processes work, but we need to make  
32 sure that that's constructive, and I think, in this case, a strong assistance on the part of the  
33 people's counsel will help that be as productive as it can be and allow the Council to make  
34 the best decision it can possibly make.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 All right. Thank you, Councilmember Knapp. I'm going to support the request for oral  
38 argument because I think it is a good policy to--to have a--have one--have a policy of  
39 leaning in favor of oral argument when there is a--a case made that appears to have, you



July 14, 2009



1 know, any merit at all. So I lean in favor of oral argument to give as much expression of--  
2 of opportunity as we can, since these are decisions that are permanent in nature once  
3 they're made. So are there any other comments on this?

4  
5 JEFF ZYONTZ:

6 Just as a technical matter, the clerk informed me that if you wanted--if you granted oral  
7 argument, it would be scheduled for the 28th.

8  
9 COUNCIL PRESIDENT ANDREWS:

10 Yes, that's right. We would schedule this for Tuesday, July 28.

11  
12 JEFF ZYONTZ:

13 And as I understand--typically, you would grant 20 minutes for each side, if that's still OK.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Yes, that's right.

17  
18 JEFF ZYONTZ:

19 And then the grounds that--that--that I reported that were clearly in the record were  
20 compatibility and general public interest.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 OK. Is that good? OK. All right. Well, we will use those as the grounds, and we're ready,  
24 then, to vote on the substitute motion to grant oral argument. It would be scheduled for the  
25 28th, as specified by Mr. Zyontz. All those in favor of granting oral argument on this case,  
26 please raise your hand. That is Councilmember Navarro, Councilmember Elrich,  
27 Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp,  
28 and Councilmember Ervin. That is 7-0.

29  
30 COUNCILMEMBER KNAPP:

31 I thank the Council.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 Thank you, Councilmember Knapp. We're now ready for the session on the--the  
35 worksession on the Germantown Sector Plan. We're going to spend the rest of the  
36 morning--rest of this morning's session, at least, on this Sector Plan. The PHED  
37 Committee has worked very hard in the last few weeks on this plan, meeting four times, I  
38 know. We had a public hearing back in May, I believe, on this Sector Plan. We heard from  
39 many segments of the community, and we appreciate everyone's participation and hard



July 14, 2009

1 work on this. There's quite a bit to go through, and so we will not be taking votes today,  
2 but this is a great opportunity for Councilmembers to identify-- especially those not on the  
3 PHED Committee to identify any remaining issues that they want more information about  
4 or have questions about or any other aspect that concerns them. So I will now turn to  
5 Councilmember Knapp, the chair of the PHED Committee. I thank him and his colleagues  
6 Councilmembers Floreen and Elrich for their hard work on this plan, including last week,  
7 when the Council was formally on recess. The PHED Committee continued to work, so  
8 thank you.

9  
10 COUNCILMEMBER KNAPP:

11 It's going to be a theme, I believe, that carries through much of the remainder of the year,  
12 so I appreciate the efforts of my colleagues to get this before the Council and appreciate  
13 in advance the work that they will participate in in the months coming--going forward.  
14 Thank you, Mr. President. I just wanted to take a couple --a few moments to put some  
15 remarks out there, and I also want to apologize, for the benefit of my colleagues. One of  
16 the reasons we have to try and do as much of this as possible this morning is we actually,  
17 as many of us are, are parents on the Council, and I have to take my daughter to get  
18 braces at 2:00, and so that kind of screws up the afternoon, and so I appreciate --yeah,  
19 she's very excited. So I appreciate the leniency with which this has been approached, and  
20 hopefully we can make great progress through the morning--through the morning session.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 And I should announce that the plan is to go a little later than we expected, or scheduled,  
24 in order to finish as much as possible before the afternoon session.

25  
26 COUNCILMEMBER KNAPP:

27 Thank you, Mr. President. The Planning Board gave us, I think, a vision which the  
28 committee pretty strongly embraced as it related to looking at this being the first of three  
29 Master Plans along our I-270 corridor that we're going to be addressing, and the  
30 challenges that are facing us are how to make those plans kind of represent the vision of  
31 where this--where this County is going. In particular, as it relates to Germantown as one of  
32 our corridor cities, it was to increase the commercial activity that was there. One of the  
33 things that we did a --did here that this plan proposed, came forward, was increasing  
34 commercial density from 60,000 jobs to more than 70,000 jobs, and we also increased  
35 residential density because the motion--the notion of moving more toward a mixed use  
36 environment, so the residential density of what was remaining tripled from the Town  
37 Sector to 5,800--from 5,800 units to 15,000 units. We did, as the President indicated, have  
38 an overview by the Planning Board prior to our public hearing. There was also a tour that  
39 a number of Councilmembers, and I know all Councilmember offices, were represented

July 14, 2009



1 on, which I thought was a very productive tour, and I thank both Sue and Marlene for  
2 putting that together. One of the things to also--I would remind people is, this is not the  
3 Germantown Master Plan that we're doing. This is the Germantown Sector Plan, because  
4 the Germantown Master Plan was done in 1989 and covers a--I forget how many square  
5 miles Germantown is. A very, very large area. But much of what has occurred has been  
6 residential development over the last 20 years, but that there wasn't really a need to go  
7 back and look at that--of rezoning any of that new residential development. The part of  
8 Germantown that I think that we and the Planning Board want to really focus the attention  
9 on is, is effectively the center of the community, the commercial core, and so that's really  
10 what this plan focuses on. So it's important to remember that so that when we're talking  
11 about Germantown, it's not all of Germantown, it's that commercial core of Germantown.  
12 We--what I will do is turn to the Planning Board, who had a few, I guess, a quick overview  
13 of slides that they wanted to run us through, and then what I will do is then walk through  
14 the major issues as Marlene has laid out, or Miss Michaelson has laid out for us in the  
15 packet very--very well, and then as we go through those issues, we will then delve into a  
16 property-by-property assessment and the committee's recommendations. I know that Mr.  
17 Elrich had circulated a memo this morning, which I think supplements or compliments  
18 some of the issues that the committee discussed and enhances that, so we'll get to talk  
19 about that when we get to the environmental piece. I have, when we get to staging, some  
20 thoughts and recommendations to make at that point and would encourage my colleagues  
21 as you have questions, certainly, by all means, don't be shy, raise your hands, ask  
22 questions, and we'll make as much progress as we possibly can in the next few hours.  
23 With that, I would like to turn it over to the chair of the Planning Board and to staff and  
24 thank them for their efforts to get us to this point, and look forward to working through the  
25 day with them.

26  
27 ROYCE HANSON:

28 Thank you very much, Mr. Knapp. Royce Hanson. I'm chairman of the Planning Board,  
29 and we're going through, as soon as we can get it loaded --ah, we got it loaded--a quick  
30 PowerPoint presentation that both sets the context for this plan in the I-270 corridor, and  
31 John Carter will go through that quickly, and then Sue Edwards, who is the chief planner  
32 on this project, will describe very briefly some of the principal elements of the plan and the  
33 concept as we sent it to you.

34  
35 JOHN CARTER:

36 OK. John Carter representing the Montgomery County Planning Department. Appreciate  
37 the opportunity to be here. This is a unique opportunity, I think, for the Council, in terms of  
38 land use planning. We--you have several plans coming to you--Germantown is the first,  
39 followed by Gaithersburg shortly, and White Flint, but you've done other work, as well. So



July 14, 2009

1 what I'm going to do is set what we've been doing in the County, what we're doing in the  
2 corridor, and then Sue is going to come up and talk about Germantown very quickly. So,  
3 County planning--I'm sure you understand we're running out of green fields, and so this is  
4 about creating centers. Certainly, this applies to Germantown, as was already discussed.  
5 You have a Germantown plan for the corridor city. This is the employment corridor side of  
6 this. Emphasis on connecting these various centers that we have in the County. Having  
7 these centers work together is our future. And then something close to my heart is more  
8 emphasis on design, the way these communities touch and feel and how they impact  
9 people is what we're working on. At the same time we're planning for new, there's still a  
10 whole host of existing neighborhoods that we're paying attention to. Now, in the case of  
11 Germantown, we're not paying any attention to the existing communities, and that's a  
12 good thing. We're paying attention to their downtown. So the rest of the Germantown, the  
13 residential area, is under the older Master Plan. As part of stabilizing those existing  
14 communities, working on open space, the street design, and as you know, the zoning  
15 ordinance rewrite--the various tools that we have. So follow-through is very important. A  
16 few years back, there was a Transportation Policy Report, and the direction that the  
17 Council has given us is to increase the transit use by 40% --45%. That would be quite--  
18 quite an effort if we could do that, but that's where these Master Plans go, that's why we  
19 have a Corridor Cities Transitway, that's why we're coming back and now planning around  
20 each one of those corridor city stations. And it's part of an integrated policy. You sort of  
21 see these things once at a time--one at a time, but it's kind of useful to step back and  
22 understand how the whole program is put together. You're going to be getting a stronger  
23 or an indifferent growth policy soon. You have a Master Plan program that's integrated.  
24 You have the I-270 plans, and we're nesting all those plans, starting with Twinbrook, that  
25 was approved unanimously by this--this Council last year, again, followed by  
26 Germantown, which is our topic today, Gaithersburg, and White Flint. So all of these are  
27 working together, and we're at least planning them all together. Soon you'll have the  
28 Wheaton and maybe the Glenmont plan as another round of plans. And then you have a  
29 set of neighborhood plans that are coming, with Takoma/Langley and Kensington. So  
30 that's our integrated program that you're being able to see, and then the zoning code  
31 revisions that come. So now let's talk about the corridor just a little bit. Again, it's about  
32 enhancing the centers, it's about connecting the senators--centers, and it's about design,  
33 and we're using the Master Plan program to do that. Now, there's a set of forces at play in  
34 the corridor, and it might be useful just to think about the forces a little bit so that you can  
35 see how they manifest themselves in the land use planning. There's a lot of global  
36 competition. People can move to Moscow. That's not Moscow, Idaho. That's the real  
37 Moscow. You can move to Paris, you can move to Calcutta, you can move all over the  
38 place; why come to Montgomery County? And we ought to keep that in mind in our  
39 planning for the future. Technological innovation allows you to move around to a lot of

July 14, 2009



1 different places, so what's so special about the County? There's certain clusters of  
2 industries that we have in the County that we ought to be building out of, and certainly,  
3 energy costs, a major force. The local forces--you certainly understand all of these:  
4 the population changes, the availability of land is going down, housing of all varieties, the  
5 research industry is here, and if you see on the little chart there, our basic industry is  
6 made out of high-tech industries. Subset is the lab, space, and the biotech industry. But  
7 we also have other industries. That's why NASDAQ is located in Shady Grove. That is not  
8 quite half of our industry. The other half is what supports that. The restaurants and the  
9 small businesses support that, so we ought to keep that in mind, especially in  
10 Germantown, as we're planning the employment center. Access is critical. Recreation and  
11 culture facilities are critical to attracting people, and then of course federal facilities-- we're  
12 very lucky to have some of the outstanding federal facilities. So, what's the vision for the  
13 corridor? Again, enhancing the centers and connecting the corridor. That's the basic vision  
14 that's coming out of this. I'm not going to travel all the way through the corridor, but  
15 starting in Bethesda, on the upper left is the Green Mile. We've worked for several years  
16 to maintain that as the Green Mile. That's your stable residential neighborhoods, over  
17 time. The picture on the right is-- is transforming through design --through County money,  
18 through state money, through private sector money, improving the design so your first  
19 impression of the County is a positive one. On the lower left is the-- just completing  
20 Wisconsin Place, so you get a sense of the open space right at the Metro station, and  
21 we're planning that on many of the areas. And then some sense to detail, the Madonna of  
22 the Trails. North Bethesda, maybe it needs a little bit more work to it. Difficult for  
23 connecting. There is a tree in that slide, but maybe we could have a few more. But  
24 improving that first impression of White Flint is what you're going to be seeing later on in  
25 the summer and in the fall. As you see on the left slide, on the upper left, is Twinbrook,  
26 which, again, was approved unanimously last year. So all three of those Metro station  
27 centers are very important and a unique opportunity in the County. Rockville--we  
28 understand we are your staff, we're not Rockville's staff, but we do coordinate with the  
29 cities, both Rockville and Gaithersburg, and Rockville has been doing a pretty good job in  
30 transforming their center, so they're with the program, so to speak. Coming up is  
31 Gaithersburg, and you see the multitude of centers in Gaithersburg, and you'll be seeing--  
32 we have linked the densities, the mix of uses in Gaithersburg, and the way that's working  
33 together. I don't have a slide that puts it together, but on your next page is the  
34 Germantown--now I think it's acting up, so hopefully you can follow this at--at your desk  
35 there, with the printed-out version. But Germantown also has a list of centers that Sue is  
36 going to talk about. That circle that you see there is the quarter-mile walking distance. The  
37 densities, the mix of uses are very much in line with what we're doing elsewhere, and of  
38 course the proof is what-- when you see the Gaithersburg and you see the way it's all tied  
39 together. At some point, we'll give you a drawing of how all of those would go together.

July 14, 2009



1 FAR is--ranges from 2.0 at the maximum down to about .75, I believe, and--I'm on page  
2 22, Sue says. OK. Your next slide is another slide of Gaithersburg, but let's move on.  
3 You've got Germantown with its 1, 2, 3, 4, 5 circles. You've got, in Germantown, the Town  
4 Center. That's the Red Line that goes through there. So augmenting that Town Center is  
5 one of the major centers in Germantown. And finally is the implementation, and you see--  
6 how do these various centers work together? If we connect them right, if we get the  
7 density right, there's still an interplay between the centers. You can't do everything at  
8 every center. Only one center can have a 2,000-seat concert hall. So it's, how does jobs  
9 and housing match? How do the centers work together? So Twinbrook, if you see on your  
10 list, is a mixed use neighborhood and Metro--a lot of housing there. It's an advanced  
11 technology center. It's also pays attention to the light industrial uses. White Flint--future  
12 downtown for North Bethesda. It has a retail focus, and it has housing. Gaithersburg is  
13 your advanced technology center. It has a medical focus, great opportunity for hospital  
14 expansion and creating a full-service hospital unmatched in the County, or the region,  
15 frankly--to create a very special medical center there. Has more housing and certainly  
16 advanced education of Johns Hopkins and University of Maryland. Last on your docket  
17 here but number one on the program is Germantown. Signature employment site, mixed  
18 use with housing. We're understanding, as these new employment centers for the 21st  
19 century evolve, they need more housing to make them work. And certainly has education  
20 and training opportunity in Germantown. So I'm hoping you're understanding how these  
21 centers work, how each one has a separate function, but if they're all connected, how you  
22 have a very unique opportunity here in Montgomery County. And the last page is kind of a  
23 report card--how are we doing? Are we truly doing what the Transportation Policy Report  
24 wanted, are we doing what the Council directed in terms of having these centers function  
25 better, and I think what we're attempting to show is the balance of jobs and housing is  
26 improving, as we go in the corridor. This is critical because the east-west travel is very  
27 challenging in this County. It's important that this group of Master Plans achieve that  
28 balance to take at least some of the pressure off the transportation system. So hopefully  
29 that set the stage on what we're doing in terms of County planning and also our Master  
30 Planning effort and how these centers work together.

31  
32 COUNCILMEMBER KNAPP:

33 OK. Sue, you've got some brief remarks on Germantown itself?

34  
35 SUE EDWARDS:

36 I have brief remarks that you can follow starting on page 24. The key recommendations,  
37 which are on page 25, as Councilmember Knapp noted, was to increase employment.  
38 There's a lot of employment that has been proposed for Germantown through the 1989  
39 plan. We're trying to put the pieces together that will allow that employment and a small



July 14, 2009

1 increment of additional employment to move forward and provide jobs, not just for the  
2 people of Germantown, but for the people of the upper part of Montgomery County. Very  
3 important to strengthen the Town Center. A good attempt was made in staging from the  
4 1989 plan, that restaurants and entertainment were key to making a downtown--the  
5 beginnings of a downtown. We want to see that proceeding, improving, growing. We use  
6 transit as the organizing focus. We also recognize that the larger part of Germantown,  
7 which has a wonderful greenbelt and a number of parks and other recreation facilities,  
8 needs to be connected to the downtown, and the downtown needs to be connected to the  
9 outer edges. We looked more carefully to design quality throughout the Sector Plan. The  
10 1989 plan had special recommendations for urban design and other design features for  
11 just the Town Center, and this Master Plan will be followed by urban design guidelines for  
12 the entirety of the Sector Plan. We've also focused on how to recognize sustainable  
13 building practices through the redevelopment that many of the sites in Germantown will  
14 take as a part of this plan. And we also felt that there was a wonderful, kind of  
15 underappreciated cultural historic and civic core and features that we wanted to bring  
16 forward through the Master Plan process and in some of the ways that we recognize the  
17 people, industries, places, and events of Germantown. If you turn to page 26, we've used  
18 a number of kind of organizing districts. The Town Center is the largest, and in fact, this  
19 plan makes a slightly larger Town Center than was in the 1989 plan. You could follow the  
20 route of the Corridor Cities Transitway, which is a dotted line on the west side of I-270,  
21 which I would be pointing out to you if I had a picture, but it basically comes from the  
22 southern point of--towards Gaithersburg through the Gateway District, with a major transit  
23 station in the Town Center, a slight curve to the east, where it captures some of the future  
24 employment sites that go along Century Boulevard, up towards the north, where there's a--  
25 a district called North End. It will cross over 270 and then continue on to Clarksburg.  
26 There is a second line that-- of the CCT that is also looked for in future planning which  
27 crosses over to the east and touches the Seneca Meadows District. Each of these transit  
28 districts have a unique character. The Planning Board put a lot of emphasis on how they  
29 would differ from each other, that there would be discernable land use mix and intensity  
30 differences, as well. If you look on page 27, we've arrayed the Planning Board's  
31 recommendations as they apply to each of these districts to kind of get an idea of how  
32 significantly these increase-- these densities will be distributed among the respective  
33 districts. For instance, the Town Center, as you see, has about 6 million square feet of  
34 commercial development and about 25,000 housing units. But the--it's also important to  
35 note that for the Montgomery College District, we did recognize that Montgomery College  
36 has both an academic program. We've been in touch with their facility planning through  
37 2050, the year 2050, and also their business park so that we feel that the  
38 recommendations of the plan are supportive of both of those elements. The next slide, on  
39 page 28, arrays how the commercial and residential development stacks up as compared



July 14, 2009

1 with the '89 plan and with existing. It's important to note that what this reflects is an end  
2 state, roughly 23 million square feet of commercial development, which is approximately  
3 66,000 jobs and 15,000 dwelling units. There will be redevelopment. There will be  
4 demolitions and redevelopment. There will be greenfield development. So you do see how  
5 what is considered to be existing does compress, but then the larger amount of the end-  
6 state development takes you to--to the top ridge there. What's different about residential  
7 development is that there isn't any pipeline of approved development that hasn't been  
8 built. There is a significant increment, roughly 3.2 million square feet, that is already  
9 approved in Germantown that has yet to be built. Slide 29 talks about the densities that  
10 were allocated to each of the transit districts. Kind of to the lower left is the MARC station,  
11 where there's a range of density of .3 to 1.0. If you move eastern-wise along 118, the  
12 bull's-eye, which is the Town Center, has densities from 1.0 to 2.0, and then there's sort of  
13 a feathering of density to the north along the Corridor Cities Transitway so that the  
14 Manekin Station in the north end had recommended densities of .5 to .75, as did the  
15 Dorsey Mill Station. I really wish we had that on a slide. Lastly, for zoning, the mixed use  
16 zones were used in the plan in order to substitute for single-purpose zones, most of those  
17 being the I-3, which sort of is an office park zone, and the commercial zones. Where we  
18 did make a recommendation of I-3 for Montgomery College, that was with the annotation  
19 that it would be the mixed use option under the I-3 zone. We also used the transit mixed  
20 station--TMX zone with a maximum FAR of 2.0 in the Town Center, and we did --the  
21 Planning Board did continue the recommendation for the Town Sector zone, which covers  
22 a number of properties, roughly...300... I believe it's 300 or 400 acres within the Town  
23 Center and North End districts. For public facilities, kind of the full array of public facilities  
24 were evaluated. Germantown has two new fire and rescue stations, already a regional  
25 library, a civic building with the Black Rock Center, a government building. Where we did  
26 find that there were perhaps additional needs would be for a future elementary site, which  
27 is on slide 32. That's within the Seneca Valley cluster. It isn't a site that is in the inventory  
28 of MCPS currently. And we also have been working with the Department of Recreation to  
29 identify a new recreation site on the east side of 270, which is depicted on slide 33. We do  
30 have language as to how this--these three properties would need to be acquired, and so  
31 that they would have to be at such time that property owners are interested in selling, that  
32 our Parks division would be working with the Recreation Department to evaluate how that  
33 would be within their program of other recreation and recreation centers that serve the  
34 Germantown/Clarksburg/Damascus area. All right. Mr. Chairman?

35  
36 ROYCE HANSON:

37 The final element --I'm sure we'll have some further discussion of it as we go through your  
38 staff recommendations--dealt with staging, and the idea there was to try to give some  
39 advantage to the Town Center before some of the other centers developed so we could





July 14, 2009

1 develop the transit hub there and to organize the staging in such a way that the Town  
2 Center could begin its development and have substantial development first. There's also a  
3 lot of development already approved in the area. And we have broken it down into 3  
4 stages. And I think it's probably better to go into that later as we get into the discussion of  
5 it, than to discuss it all now.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 Very good. Thank you. And there are some questions already, and we'll go through the  
9 packet in order that it's presented. I do want to just announce that I anticipate that the  
10 Council will have a final vote on this, on the formal resolution, when we come back in  
11 September. Staff, though, needs to be able to get a headstart on that as we go. So,  
12 although I anticipate we will come back on the 21st or the 28th on items that are flagged  
13 today for questions or more information, there probably will be a number of items that  
14 there won't be questions about. And in that case, I will assume that if they're not flagged  
15 by a Councilmember that silence equals consent and that staff can go ahead and prepare  
16 that part of the resolution. And we'll be coming back to that in September. But there will be  
17 some issues, I imagine that we'll come back to in the next couple weeks.

18  
19 ROYCE HANSON:

20 Yeah, there will have to be some redlining to go through the plan and make sure that all of  
21 the decisions that you make are incorporated in the text and the maps.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 OK. I'm gonna start with Councilmember Elrich, who had his light on.

25  
26 COUNCILMEMBER ELRICH:

27 I think that most of us on the committee are in general agreement on most elements of  
28 this plan. And I've got some concerns, though, that I'll get to when we get to the actual  
29 parts of the report, but I had just a general question about some things you just went over.  
30 in your first 2 presentations. And the first is...on the Transportation Policy report, you  
31 talked about increasing the transit goal by 45%, but I thought that the original  
32 Germantown Master Plan modal split goal was 35% that has been reduced in this plan to  
33 25% and that we have 16% now, and that you're suggesting staging, which--I admit I  
34 inadvertently supported taking that one element of staging out, which I'll ask to put some  
35 form of there back in. I was getting rid of the rest of the things I thought were utterly  
36 irrelevant to what we're normally staged by. But that I did not mean to take out. But you  
37 propose going from 16% to 21%, which is like a 30% increase. So this used to be an  
38 inconsistency between driving toward a 45 increase in transit and then reducing the goal  
39 in Germantown from 35 to 25 and doing it in the town sector, which is the one part of



July 14, 2009

1 Germantown that theoretically is gonna have mass transit associated with it. So, what  
2 goes there?

3  
4 ROYCE HANSON:

5 Oh, I think we were trying to be as realistic as we could be in this situation. I don't think  
6 there's any objection. In fact, I think there's as much enthusiasm as you can imagine for  
7 increasing that modal split over time. But I think we have to look at the fact that achieving  
8 the full modal split that everybody would like to achieve in Germantown depends very  
9 heavily on getting the CCT there and in operation. The faster it gets there, the faster we'll  
10 get a better modal split. Maybe Mr. Hardy can help you with this.

11  
12 DAN HARDY:

13 Sure. For the record, Dan Hardy, Transportation Planning Chief. What we're looking at in  
14 mode splits for all of our master plans is what can we reasonably achieve given the land  
15 use and the transportation system and programs we think we can put into place over the  
16 lifespan of the plan. Generally, we see that our highest modal splits can be achieved more  
17 closest to the core of the urban areas. So, in Silver Spring, where we have a 50% non-  
18 auto driver mode split, is our nirvana. As we move up the corridor, basically, we're looking  
19 at White Flint at a 39% non-auto driver modal split. In Gaithersburg, you'll be hearing in  
20 the fall here, we are looking to stretch to get to 30% to 32% non-auto driver mode share.  
21 So, the Germantown plan in '89 was actually fairly complex. It had separate submode  
22 splits for trips between Clarksburg and Germantown and between Germantown and  
23 everywhere else. What we are actually doing--and it did not have a staging component to  
24 it. It was a goal. There was no teeth to it. What the board did propose to you here was  
25 something that said we are going to have a more achievable goal. You know, John  
26 mentioned some percentage change, going from 16% to 25% is actually a pretty sizeable  
27 change in behavior. And not only is it a goal, but we're actually--the board's proposal was  
28 to actually stage development, and as we have done in some of the down county centers,  
29 to say we will be not moving development forward if we haven't seen the kind of changes  
30 we want, making interim progress towards that Master Plan goal.

31  
32 COUNCILMEMBER ELRICH:

33 I guess my response is that I feel like we're too tame in what we expect and what we ask  
34 for and that basically you're creating a sea of traffic, and with some marginally better  
35 transit than today, but it's not gonna get us where we need to be. And you leave us highly  
36 dependent on the construction of, what is it, 6 interchanges or however many there and  
37 how many you've talked about in West Gaithersburg that even with them, don't provide a  
38 very good picture on the roads.



July 14, 2009

1 ROYCE HANSON:

2 Then it is important, I think, to-- depending on where the Council goes on this--if you want  
3 to increase that modal split, then you probably need a performance element which--and  
4 we've suggested a performance element in staging, so that to go to the subsequent stage,  
5 you have to reach a threshold of non-auto transportation.

6  
7 COUNCILMEMBER ELRICH:

8 Glenn, that's what you were talking about with me earlier.

9  
10 GLENN ORLIN:

11 Yes.

12  
13 COUNCILMEMBER KNAPP:

14 I understand. We're gonna get to that. I would suggest we'll probably do that when we get  
15 the transportation element, just so we can keep the pieces moving.

16  
17 COUNCILMEMBER ELRICH:

18 My other generic comment--and it's just, like, more information I'd like--is when we do the-  
19 -your slide on our page 6, it talks about analysis, and it's sort of like the job breakdown. I  
20 think it would be really interesting if you would come to us with also the wage breakdown  
21 for these different job categories. The Economic Development Office did that once for us, I  
22 think, about a year, year and a half ago. They came in with all the categories and broke it  
23 down. But I think that's, like, really important to understand what it actually means in terms  
24 of what wages people are gonna be making and what housing choices are gonna be  
25 affordable to them. And I think it's particularly important because when I was on a panel  
26 with Orlin down in D.C. a few months ago, and Washington Adventist was on the panel  
27 but also one of the biotech firms, which I forget at this moment. But he was talking about  
28 housing for their employees. And I was shocked when he was asked what your  
29 employees make. This is the high-tech biotech industry. And he said \$45,000 to \$50,000. I  
30 was somehow thinking about, you know, different levels of wages, 'cause this is supposed  
31 to be the good stuff that we're bringing to Montgomery County that's got lots of income  
32 and is a real positive. Well, providing housing for people making \$45,000 a year is a tad  
33 challenging.

34  
35 ROYCE HANSON:

36 Well, I think--

37  
38 COUNCILMEMBER ELRICH:

July 14, 2009



1 I think we need to understand the interplay of the wages of the jobs as well as our ability  
2 to provide housing for those different wage levels.

3  
4 ROYCE HANSON:

5 I guess I have 2 responses on that. One is that we frankly don't know which industries and  
6 businesses will occur within the area. We've got some aspirational goals, but if you look,  
7 for instance, just at the medical industry, which is considered a very high-wage industry.  
8 But if you think about it, for every doctor who may be making somewhere between  
9 \$150,000 and \$500,000 a year, you've got medical technicians, you've got nurses, you've  
10 got orderlies, you have custodial employees that are not making those kinds of salaries  
11 and are necessary to make an operation run. There's a great deal of romance about the  
12 creative class and how we're all gonna be populated by people who are doing wonderful,  
13 creative things. OK, we are really a hotbed of creative people in the county, but for every  
14 person in the creative class, there's a very big supporting class... for those who are being  
15 nominated for creative sainthood. So, we have to remember that in any business, there's  
16 a pretty wide distribution of incomes. And I think you're making a very important point. The  
17 housing stock that we try to maintain in the county and that we create needs to have a  
18 wide variety of opportunities and income levels that can be served in it.

19  
20 COUNCILMEMBER ELRICH:

21 I'm concerned particularly when we talked about the retail. The proposal is to blanket  
22 every place in the county with mixed-use development and retail on the ground floor. It's  
23 difficult to make less money than you make in the retail trades. So, I'm really concerned  
24 about how this all plays out, 'cause ultimately, these also induce costs for the county that  
25 we have to deal with. So, I think more information about what we're producing and what  
26 the implications are for the county are important. These are gonna be residents who have  
27 children and who come to the schools. What's the interplay between revenues that are  
28 gonna be generated, and not just the sexy revenues but the not-so-attractive revenues?

29  
30 COUNCILMEMBER KNAPP:

31 I would just observe that the committee is actually...next week? I believe it's next week or  
32 the week after is gonna be having conversations with the Department of Economic  
33 Development to figure out how we actually start to link those 2 pieces a little bit more  
34 strongly. Because right now, they're still more in isolation, I think, than we'd all like them to  
35 be. And so we're gonna have a discussion on that strategy, too, so we get better  
36 information.

37  
38 COUNCIL PRESIDENT ANDREWS:



July 14, 2009

1 OK, thank you, Councilmember Knapp. We have two more comments, and then we're  
2 gonna get right into the packet. And we're gonna go till at least 1:00 today so that we get  
3 as much done before Councilmember Knapp needs to leave. So, Councilmember Floreen,  
4 who's the other member of the committee, I'm gonna call on next and then Council Vice  
5 President Berliner, and then we're gonna walk through the packet.

6  
7 COUNCILMEMBER FLOREEN:

8 Thank you. I just want to respond to my colleague Mr. Elrich and to ask Park and Planning  
9 about the housing policy work on the Master Plan. That's really important to have facts  
10 about employee wages and what that means for our obligation to create community. We  
11 know how much we pay or don't pay our own staff here on the Council and we can just  
12 extrapolate that onto the private sector and maybe come up with some similar information.  
13 But I know that the Planning Board is working on the housing element, and let me just ask  
14 quickly. The information that Mr. Elrich has referred to I am assuming will be part of your  
15 work product there?

16  
17 ROYCE HANSON:

18 There will be a great deal of information, particularly in the appendix to the housing  
19 element, that represents research that we've conducted over the last 2 years, basically,  
20 dealing with the income distribution, the level at which there is a deficit in different kinds of  
21 housing for different levels of income, and some suggestions that we hope will be  
22 embraced by the Council on how to address some of these issues.

23  
24 COUNCILMEMBER FLOREEN:

25 Because it's not just--I mean, I don't know. If we call it affordable housing, it's just housing  
26 that working families can afford, which is the real issue and how we address that. You'll  
27 have some suggestions for us?

28  
29 ROYCE HANSON:

30 That's correct and--

31  
32 COUNCILMEMBER FLOREEN:

33 OK, our usual conversation about this.

34  
35 ROYCE HANSON:

36 There's one element of this that's also very relevant to Germantown. One of the findings  
37 that we've been making is that it's no longer possible to simply isolate the cost of housing  
38 from the cost of transportation.

July 14, 2009



1 COUNCILMEMBER FLOREEN:

2 Right, yeah.

4 ROYCE HANSON:

5 Right now, a lot of people in Montgomery County are spending somewhere above 15% of  
6 their annual income on transportation. So, that when you combine 30% or 35% of income  
7 being spent on housing with close to 20% being spent on transportation, because of the  
8 distance that they may live from work, that you're seeing a household expense of 50%,  
9 and in some cases in the region, more than that. So, to the extent that we're able to bring  
10 more employment into Germantown and to provide some opportunities for a larger  
11 percentage of the population in Germantown to work in the same community in which they  
12 live, we're able to, in effect, make more affordable some of the housing that's there. And  
13 Germantown already is a major source of affordable housing in the county.

15 COUNCIL PRESIDENT ANDREWS:

16 Thank you, Chairman. Council Vice President Berliner.

18 COUNCIL VICE PRESIDENT BERLINER:

19 Thank you. And I appreciate the good work the committee has done with respect to this.  
20 My understanding is that the committee and the Planning Board are aligned with respect  
21 to this plan, but for just a couple of issues. And if that's the case, Mr. Chairman, I  
22 apologize. [Cell phone rings] I was hoping that you would share with us...before I throw  
23 this phone... if you would share with us, as a point of departure, so that those of us that  
24 aren't on the committee can understand what you think we should focus on. I know we'll  
25 be going through the packet, and the packet does discuss staging and other things at  
26 great length, but nonetheless, to help frame the issue and also to suggest to staff that I  
27 hope that we will not take straw votes on if there are 3 issues that the chairman identifies  
28 are the ones that he cares the most about. I would like the benefit of a little more time, as  
29 a member who hasn't been on the committee, to absorb the chairman's point of view and  
30 understand the committee's recommendation. So, if you could help frame this  
31 conversation as, say, the top 2, 3, issues that you think we should focus on as we go  
32 through the packet, I'd be grateful.

34 ROYCE HANSON:

35 I think there are basically 3 sort of basic things that we had hoped to persuade the  
36 committee on and didn't succeed. The first is staging and the extent to which the plan  
37 should contain a staging element. The second has to do with some differences on the  
38 amount of density for particular properties or areas. Our aim was to try to essentially have  
39 a gradient of density with the highest density at the town center. And there's some

July 14, 2009



1 difference between the board and the committee on density in some of the areas outside  
2 the town center. And third is an issue that I think we want to give some careful attention  
3 to, and that is the extent to which the...you should use the sectional map amendment to  
4 reduce the amount of area in the town sector zone. Here, I don't think there's a difference  
5 between us and the committee on what we want to see happen in these areas. But a  
6 concern about the effect of using the sectional map amendment to change the town sector  
7 zone, or to change from the town sector zone, and the implications it may have for other  
8 areas left in the zone, not only in Germantown, but also the implications of the change for  
9 Montgomery Village, which is the other place under the town sector zone. Those, I think  
10 are the 3 issues that have been a source of some contention.

11  
12 COUNCIL VICE PRESIDENT BERLINER:

13 So if I could just ask my colleagues' indulgence that we not have straw votes on those 3  
14 issues today as we work through this, I'd be grateful.

15  
16 COUNCILMEMBER KNAPP:

17 Yeah, I think that's fine. That's how we got it laid out.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 OK. And Councilmember Ervin, and then we're gonna go through the packet.

21  
22 COUNCILMEMBER ERVIN:

23 Just quickly I wanted to weigh in on the issue of ratio of jobs to housing. I sat in on the  
24 PHED Committee conversation yesterday as it related to overcrowding, and I just wanted  
25 to add my voice to this conversation. It's clear to me-- I mean, we don't talk about this a  
26 lot, but if you look at the migratory patterns of folks in the county in terms of where they  
27 live and work and where they choose to live because they can afford to live, we see that in  
28 certain areas of the county, it's the size of the housing. If you're looking around Aspen Hill  
29 or areas of Wheaton, Silver Spring, these are smaller homes that people can rent and buy  
30 before the economy began to crash, but these are also people working in certain sectors  
31 of the economy. They were construction workers. They worked retail, et cetera. We, at  
32 this dais, make policy decisions every day. And I think that sometimes these policy  
33 decisions run into each other. On the one hand, yesterday, we're talking about creating a  
34 situation where we're gonna try to force fewer people to live in a house. At the same time,  
35 we're talking about what we're gonna do about the ratio of jobs to housing. I think we gotta  
36 be really careful about the policy decisions that we're making in the Sector Plan and the  
37 Master Plans and how that might bump up against some of the other policy decisions  
38 we're making regarding how we're gonna legislate the prevention of overcrowding in our



July 14, 2009

1 county. I just want it to be clear that all of these conversations are happening  
2 simultaneously with one another.

3  
4 COUNCILMEMBER KNAPP:

5 Very good observation.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 OK, all right, Mr. Chairman, go ahead and take us through.

9  
10 COUNCILMEMBER KNAPP:

11 Thank you, Mr. President. Beginning on page 2 of the packet, you will see, as I articulated  
12 earlier, kind of the changes from 1989 plan. We'll walk through the major policy issues and  
13 [indistinct] understanding there, and then walk through property by property. The first was  
14 overall strategy regarding density and height. The committee's recommendation was to  
15 add and clarify the height limit for all transit station mixed-use properties. The greatest  
16 increases in density, as has already been articulated, occur in areas closest to the corridor  
17 cities transitway and that the maximum FAR for the planning area is 2.0, which is similar  
18 to both what we've done in Shady Grove and in Twinbrook. But what we wanted to try and  
19 do is--the Sector Plan recommends this density of 2.0. The lower density is for the outside  
20 properties not served as much by transit. We wanted, though, to clarify what the maximum  
21 heights were because the TMX and TSOs don't necessarily have a maximum height  
22 listed. And so, what we did, the structures are recommended to be a maximum of 180 feet  
23 or approximately 15 stories at the area immediately adjacent to the transit station at  
24 Century Boulevard; 143 feet, approximately 12 stories along Maryland 118; and your other  
25 transit stations with lower heights, 100 feet along I-270. Attached on circles 14 to 16 is a  
26 chart that updates the height information. And we had a discussion in staff, and I think the  
27 committee agrees, that we should continue to use a policy of feet, not stories, as a  
28 measurement for height, since there's greater variability in the height of a story.

29  
30 MARLENE MICHAELSON:

31 And if I could just add a little clarification, because the plan did not have either height or  
32 FAR limits for a lot of the TMX property--

33  
34 COUNCILMEMBER KNAPP:

35 Right.

36  
37 MARLENE MICHAELSON:

38 I have been working with planning staff to make sure those are all added. On Circle 14 to  
39 16, you see some updated numbers. We're continuing to try and refine those, make sure



July 14, 2009



1 that anything that is missing is clear in this plan. And one clarification I wanted to note is  
2 that along Maryland 118, the correct height is 100 feet, and along 270, there is variation.  
3 So we are gonna continue to refine those, make sure those are very clear and tight and  
4 bring those back to you.

5  
6 COUNCILMEMBER KNAPP:

7 Just so people know, we also have this document. I think everyone has one. If you don't,  
8 I've got an extra one that people can go through. That's the actual Master Plan that's  
9 come from the Planning Board itself. So, we're going through the packet, but that's kind of  
10 reference. And as Ms. Michaelson has also put supporting documentation in the back of  
11 the packet itself.

12  
13 ROYCE HANSON:

14 We didn't have any differences on height. I mean, it's just a matter of making it clear and,  
15 as Marlene said, using feet instead of stories in the height definition. It may be useful,  
16 however, in the text to refer to stories so people... I think it's--the lay reader very  
17 often...visualizes things in stories, but the thing that controls is the feet.

18  
19 COUNCILMEMBER KNAPP:

20 So, provide additional content. And I think that was really the objective of staff, the  
21 Planning Board, and the committee. So, that's our goal.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 OK, no questions so far?

25  
26 COUNCILMEMBER KNAPP:

27 Questions on--very good.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Not that one.

31  
32 COUNCILMEMBER KNAPP:

33 OK, the zoning strategy. What we wanted to do is add information to the Sector Plan  
34 regarding the existing zoning areas, areas recommended for a change in zoning, and the  
35 rationale for any proposed change in zoning. One of the challenges we had as we were  
36 just going through the plan, as we're flipping back and forth a lot, and we'll want to try and  
37 do is to try and get all of that information basically in one place. So, again, as the chair  
38 indicated, if the lay person picks this up and actually wants to figure out what the Master  
39 Plan is doing, what a property was, what a property is supposed to be and why, they can



July 14, 2009

1 find it fairly readily. So, that's one of the other changes that the committee's  
2 recommending here.

3  
4 COUNCIL PRESIDENT ANDREWS:  
5 I'll just stop you when there's a question.

6  
7 COUNCILMEMBER KNAPP:

8 OK. Community facilities. The committee recommendation is prepare a new section on  
9 community facilities that clearly describes whether existing or planned facilities are  
10 sufficient to serve the population of the planning area at buildout, and if not, the potential  
11 location for new community facilities. Ms. Edwards, in her overview, pointed to a couple:  
12 the school site and the potential new recreation facility. So, we want to clarify that a little  
13 further within the text of the actual Master Plan itself. All right. Staging. And now we get to  
14 an issue that the committee spent a fair amount of time discussing. But the committee  
15 recommended deleting the Sector Plan staging recommendations and using the growth  
16 policy to stage development in Germantown and if desirable provide a preference for  
17 Town Center. I think as Mr. Elrich said in his remarks, the challenge that the committee  
18 had was not so much that we didn't like staging as a concept. I think staging--and we  
19 recognize it both in Gaithersburg and in White Flint--it's gonna be a critical part of what the  
20 plan is. But the elements that were identified, I think, for Phase I here, we didn't see the  
21 nexus between those elements and what was actually going to encourage the things to  
22 happen in town center that we all recognize we'd like to see happen. And so I think that  
23 was the biggest issue. In further conversations I've had, one of the things which may  
24 make sense to do and I would put out there--and I haven't necessarily presented this to  
25 my colleagues yet--is to encourage...regional restaurants and entertainment activities to  
26 be developed in the town center so that you don't necessarily build large-scale restaurants  
27 outside of that town center area and then pull people out of the town center. But even  
28 though we are increasing the commercial activity, you're drawing where the people who  
29 are going to those commercial activities are spending their time towards the town center.  
30 And so, you could actually use that as a potential staging area to make sure that you're  
31 drawing people into that town center so it continues to have that level of vibrancy and  
32 vitality that people are proposing. And so, I would like to see--I don't have specific  
33 language there, but I think that's a concept that we may want to consider because I think it  
34 gets to the point that the Planning Board had been raising and that we've been talking  
35 about is, you want to get additional commercial activity, but you want to draw them into  
36 that town center. How do you do that? And if that's the place where you go for your  
37 restaurant and your entertainment activity, there may be a way to get there from here.

38  
39 COUNCIL PRESIDENT ANDREWS:



July 14, 2009

1 OK, thank you. Council Vice President Berliner.

2  
3 COUNCIL VICE PRESIDENT BERLINER:

4 What I hear are two distinct sets of issues, and there could be many more. One is can we  
5 address this as a growth policy as opposed to here. And 2--in the real world, there is a  
6 concern that certain activity in the town center, as I understand it, may not go forward for  
7 10, 15 years, and therefore, would this effectively halt other commercial development  
8 taking place. Mr. Chairman, if you would respond to both of those dynamics so that, again,  
9 those of us not on the committee can understand the nature of the disagreement here.

10  
11 ROYCE HANSON:

12 I think it's as much a matter of emphasis and function as anything else. Let me first just  
13 address the general issue of Master Plan staging and why we recommend some Master  
14 Plan staging and think that while we're champions of growth policy, we don't think that  
15 that's quite the way to do that. Master Plan staging has a different function than the  
16 management or administration of the Adequate Public Facilities Ordinance through the  
17 growth policy. Now, they complement each other, but they're not exactly the same thing.  
18 And all Master Plans don't need staging, I don't think. We agree with that. The Adequate  
19 Public Facilities Ordinance is administered in compliance with the growth policy, and  
20 basically it focuses on the individual project as it comes in for subdivision. And the  
21 question is, is there capacity in the planning area or in the policy area in mainly roads and  
22 schools sufficient for that to serve that particular project. It really matters very little where  
23 in the planning area that project is, as long as there's capacity in the transportation system  
24 that serves the area. So, the Adequate Public Facilities Ordinance or growth policy is not  
25 linked to any particular project. And, of course, it's regulatory in character and it's subject  
26 to biennial review, I might say, sometimes with unanticipated revisions. The Master Plan  
27 staging, however, has a really different function. And it is more concerned with either  
28 lumping infrastructure such as a major interchange on a highway or the establishment of  
29 or funding of a particular facility such as a transit line or a transit station or a park or a  
30 school so that we know there's likely to be, then, some excess capacity created by  
31 that...lump of infrastructure that will then be administered through the Adequate Public  
32 Facilities Ordinance and through the growth policy in the allocation of it to specific projects  
33 that occur. And it may also be used to--staging is frequently used in the growth policy to  
34 make sure that one area has an opportunity to develop before the full development of  
35 another area in the same Master Plan or Sector Plan area. So, in this plan, for instance,  
36 we're trying to stage things so while it didn't just cut off all development, it provided some  
37 triggers for further development in some areas to proceed only after a certain amount of  
38 stuff had occurred in the town center. Specifically looking at Germantown, right now there  
39 are--the development that has been approved and is in the pipeline is for about 3.2 million



July 14, 2009

1 square feet of development. And what we had proposed here is that another 1.6 or 1.7  
2 million could go ahead without any staging at all. And that includes something in each of  
3 the districts that are proposed. Before going, then, into the first staging area, we were  
4 talking about some things that are kind of pro forma and are there mainly as checkoffs to  
5 make sure they get done--the sectional map amendment, for example, because until that's  
6 done some things can't happen. Now, we think that there are several years of  
7 development potential just within the pipeline itself, plus any amount, the 1.7 million of  
8 additional development that could be approved within these properties. We have  
9 suggested-- and I think I understand why the committee was resistant to the idea of an  
10 urban service district. We have suggested that be created before Stage I. Now, our  
11 thinking on it was that this is more of a placemaking provision than it is a capacity-  
12 increasing element. And I think an argument can be made that staging should focus on  
13 capacity development. But we were checking this as something that we thought should be  
14 done because it would help create the kind of environment in the town center, in  
15 particular, that would be needed. We had suggested that there be an annual monitoring  
16 program set up. Again, this is not a capacity-providing element, but it is something that  
17 helps us keep track of capacity. The funding for urban parks we thought was important,  
18 again, as a placemaking thing. A marked garage, which the committee, I think, felt didn't  
19 really serve the development of employment in Germantown. Our thinking was that it  
20 saves land for development by using the garage instead of expanding the surface parking.  
21 And we had suggested a connecting of Bowman Mill Drive or one of the other streets that  
22 improves the connectivity within the area. Before the second-- now, that would happen  
23 before-- the next 4 million square feet would develop after this initial group. And before the  
24 last 7 million square feet would develop, we were talking about funding the CCT to the  
25 town center. Then, again, that's a lump of infrastructure that's really important. And having  
26 the agreements in place for the CCT stations with the private sector--if there's gonna be  
27 any joint development activity in place before that is developed. And we had performance  
28 standards, again, getting the nondriver mode share up to 21% of performance staging  
29 development. On the West Side, having Observation Drive link between 118 and  
30 Middlebrook completed. And having that open for traffic, because if the campus is going to  
31 develop to where they have 20,000 students on the campus, and if any of the other  
32 activities that are being proposed for the campus are there, having that road in is really a  
33 critical piece for having development perceived. And then Century Boulevard and the  
34 Dorsey Mill Bridge were the other two major things that we were talking about needed to  
35 be there so that you not only have the capacity that's there and you've got good early  
36 warning in the plan itself that can guide, then, the consolidated transportation program for  
37 the state and the CIP for the county in making sure that these facilities are-- so, those are  
38 the kinds of things that we were thinking about. Now... I think having them in the plan and  
39 in staging helps and it makes sure that we don't run into essentially a cutoff of

July 14, 2009



1 development through the use of the growth policy and the Adequate Public Facilities  
2 Ordinance. I know Glenn has a different view of this.

3  
4 COUNCIL VICE PRESIDENT BERLINER:

5 Ha ha! Well, the staff's--on page 6, in the 3rd paragraph, the first 2 sentences, I believe,  
6 sort of summarize what I gather to be staff's concerns as the main reason for requiring  
7 staging would be if the plan has a goal that cannot be achieved via the growth policy. If  
8 such a goal exists, it is not clear in the Sector Plan. If staff wants to elaborate that or if Mr.  
9 Chairman, you want to respond to that--

10  
11 ROYCE HANSON:  
12 Apparently it wasn't.

13  
14 COUNCIL VICE PRESIDENT BERLINER:

15 Well, my hope would be that over the course of the next little bit here that--

16  
17 ROYCE HANSON:

18 If the Council decides to leave staging in, we certainly need to make clear why we're  
19 recommending staging.

20  
21 COUNCIL VICE PRESIDENT BERLINER:

22 And staff, if you're...

23  
24 GLENN ORLIN:

25 Unfortunately, you can't talk about staging in the Master Plan unless you talk about the  
26 growth policy. And you can't talk about the growth policy. Let's talk a little history. So, sorry  
27 about this, but here we go.

28  
29 COUNCIL VICE PRESIDENT BERLINER:

30 Here we go.

31  
32 GLENN ORLIN:

33 Um, in the beginning... [Laughter]

34  
35 COUNCIL VICE PRESIDENT BERLINER:

36 The Chairman's gone! Here we go. The Chairman's gone. He's heard this before.

37  
38 GLENN ORLIN:



July 14, 2009

1 She should try to get her braces off now. Ha ha! In the beginning, in the mid-eighties,  
2 when the growth policy was set up, there was policy review and local review. And the  
3 policy review was to look at what is the average congestion in an area like Germantown.  
4 In fact, in the beginning, Germantown as a whole was one policy area. It was shortly  
5 afterwards divided up to Germantown East and Germantown West. And there was also  
6 what's called Local Area Review, which looked at the intersections, and the standards  
7 have changed over time. They were loosened for a while. They were tightened for a while,  
8 and they were successfully tightened. But nevertheless, the goal was--the purpose was to  
9 stage Master Plan development for transportation. And when the school test was added a  
10 year later, it was to stage-- essentially, um... well, it was basically to make sure that there  
11 was enough school capacity for whatever residential development came forward. So,  
12 staged residential development, again, based on school capacity. Up through 2004, the  
13 mechanism was changed some, but we had it. And then in 2004, we dropped policy  
14 review, and I remember at the time--and I was the one who first raised the point that we  
15 should drop policy review for a whole set of reasons which we could get into, but we won't.  
16 But I also said at the time that if you're gonna get rid of policy review, we would need to  
17 introduce staging and Master Plans, because then there really would not be a way of  
18 being able to say what major facility should go first, go next and where development  
19 should happen. However, we have policy review back again. We have PAMR. And one of  
20 the things that PAMR doesn't do that old policy review did do is to be able to provide this,  
21 for lack of a better term, bias, for development around smart growth areas. The old policy  
22 review started with back in the mid-eighties with, I don't know, maybe 15 or so general  
23 areas. But by the early nineties, we created Metro station policy areas around most of the  
24 Metro stations. And shortly after that--I think it was a year afterwards--we created the  
25 Germantown town center policy area, all for the same reason. We said that within the  
26 larger policy area, whether it be Bethesda-Chevy Chase or Silver Spring-Takoma Park or  
27 Kensington-Wheaton, we wanted to say if there was development capacity from the  
28 transportation that was being provided, we wanted to allocate most of it-- not necessarily  
29 all of it--most of it to the Metro station areas. And within Germantown, the idea was we  
30 want to allocate as much of the capacity that Germantown would allow because of the  
31 roads being built there, transit, at the Germantown town center. Now, we still have a  
32 Germantown town center policy area, and it's used for a couple of things. It's got a looser  
33 requirement in terms of local area review, for one thing. It's also an urban area in terms of  
34 the road code in terms of street designs being tighter than it would be elsewhere, but it no  
35 longer serves the purpose under PAMR that it served under the old policy review, which  
36 the ability to allocate, the availability of... development that could be approved in  
37 Germantown into the town center itself. So, our recommendation is not to do staging in  
38 the Master Plan, but instead to change the growth policy, the PAMR test, for whatever  
39 policy review you end up with and reinstitute that ability to allocate capacity specifically to



July 14, 2009

1 Metro station policy areas and to the Germantown town center so that you can achieve  
2 the kind of things that the Chairman's concerned about and I think we're all concerned  
3 about. The other thing about it is--

4  
5 COUNCIL VICE PRESIDENT BERLINER:  
6 If I could stop you for a second.

7  
8 GLENN ORLIN:  
9 Sure. OK.

10  
11 COUNCIL VICE PRESIDENT BERLINER:  
12 I understand the capacity allocation issue. Actually, I don't understand it, but I hear both of  
13 you talking about it. I will come to understand it. But separate and apart from the capacity  
14 allocation issue is the desire to promote, which I know the Chair shares and I believe staff  
15 shares--

16  
17 COUNCILMEMBER KNAPP:  
18 And the committee.

19  
20 COUNCIL VICE PRESIDENT BERLINER:  
21 The committee shares, which is to ensure the town center actually happens and that there  
22 are incentives to ensure that that happens, if you will, first.

23  
24 GLENN ORLIN:  
25 Right.

26  
27 COUNCIL VICE PRESIDENT BERLINER:  
28 And how does, if you will, the growth policy handle that as opposed to--

29  
30 GLENN ORLIN:  
31 That's what I just said.

32  
33 COUNCIL VICE PRESIDENT BERLINER:  
34 See? That's why I--

35  
36 GLENN ORLIN:  
37 Let me say it again. The growth policy has, for the Germantown area--there's a  
38 Germantown East and a Germantown West and the Germantown town center policy area.  
39 In the past, prior to 2003, the Council affirmative-- actually, the Planning Board first



July 14, 2009

1 recommends and the Council affirmatively says you have a staging ceiling or an amount  
2 of development you can approve in the Germantown town center in terms of housing units  
3 and jobs. That's a very positive, very direct, more than incentive. It's saying, "This is what  
4 you can do. You ought to do this here." And by not approving that kind of level of  
5 development, housing, or jobs in the rest of Germantown West or Germantown East, it's a  
6 disincentive. I can't think of stronger incentive--"incentive" isn't even a strong enough word  
7 for that.

8  
9 MARLENE MICHAELSON:

10 If I could just add to just in terms of the comparison to what is in the Sector Plan. The  
11 intent of the Planning Board is to try and encourage development at town center, but the  
12 realities of the staging mechanisms is the way it allocates capacity at each stage. It gave  
13 a very marginal amount of additional development to town center over the other areas.  
14 So, for example, in the first stage or the prestage, town center can get 25% of its total  
15 capacity, the remaining areas about 20%. So, it's a little bit of a difference, but I would  
16 argue that's not actually favoring it. I think with the growth policy in theory on a biannual  
17 basis, you could be resetting those numbers and determining how much capacity you  
18 want to go there versus the other areas. And I'll also note that Chairman Knapp's  
19 suggestion related to the restaurant and entertainment use, in my view, could probably do  
20 more to ensure that you get the kind of development you want in town center first than just  
21 pure numbers of square footage would do.

22  
23 COUNCILMEMBER KNAPP:

24 And I would just add to that. We had this conversation in committee, and other places in  
25 the county where this has been successful, it's been an economic development incentive.  
26 We, as a county, have provided additional resources to say, "We want these things to  
27 happen here. We want this business to locate here." In fact, in Germantown, we've done  
28 this with the creation of the library and with the creation of Black Rock. They've only been  
29 there for 6 years. And with the creation of those 2 activities, you've started to see other  
30 activities begin to build up around it. And so, I think part of it--and this was the discussion  
31 we had within the committee--was how much of it can you provide as an incentive to  
32 staging here versus actually providing a real incentive akin to what Dr. Orlin indicated and  
33 coming up with a little economic development strategy that says, "We want to put this  
34 here, and we're going to invest this amount of money to do that."

35  
36 COUNCIL VICE PRESIDENT BERLINER:

37 Chairman, did you want to respond to what you've heard?

38  
39 ROYCE HANSON:





July 14, 2009

1 Yeah, a couple things. I think even with the allocations that could be made in the growth  
2 policy, certainly they could be made. They would have to be reviewed every 2 years,  
3 which may have some advantage to it. On the other hand, in terms of your ability to adopt  
4 the growth policy--and I'm just remembering the number of work sessions we had two  
5 years ago on growth policy. If you're going to do this for every place in the county or every  
6 area, every major center and the subsidiary centers that may surround it, it'll be an  
7 interesting set of work sessions. The other thing that I think this doesn't do is, again, take  
8 care of the major pieces of infrastructure that are capacity providing, again, such as the  
9 CCT. Getting those in the Master Plan and triggered for development is, in our judgment,  
10 really important. Again, thinking ahead to the West Gaithersburg plan, there are a series  
11 of major infrastructure improvements that have to be made for the transportation  
12 development balance to occur. And in similar ways, there's the same problem here that if  
13 we don't get the CCT in, then some development just either can't occur or we're going to  
14 have to lower the standard of what we regard as adequate as far as transportation  
15 facilities are concerned.

16  
17 GLENN ORLIN:

18 One of the things the growth policy did some years was that when the Planning Board  
19 sent it over to the Council, there was actually a list of specific projects or programs that  
20 would say, "Here are things that the state or the county should build in the next several  
21 years, which will get this area out of moratorium or it will be able to allow more  
22 development to happen in these smart growth areas" or whatever. And that might be  
23 something we ask for, again, as part of the growth policy. But those are CIP issues, and  
24 CTP issues. I mean, the growth policy can't build these things. It's a matter of money and  
25 certainly you can point out those things in the growth policy or in the Master Plan. We're  
26 suggesting in the growth policy. That ought to go near the top of the list to deal with these  
27 issues. But the advantage of having this in the growth policy rather than the Master Plan is  
28 that you can make these decisions every two years. It was regularly done every year. The  
29 fun of allocating housing and jobs to Metro station policy areas and surrounding areas  
30 was done every year. And it actually didn't change all that much. It wasn't that big a deal.  
31 And you have the flexibility, then, to respond to changing events in terms of how you fine-  
32 tune that allocation. Here, if we set in a plan that this specific project has to happen first,  
33 what happens if there's a big problem with that project? What happens if it's a state  
34 project we have no control over? CCT is a primary example. We all want the CCT to  
35 happen as quickly as possible, but what if the state says, "All right, we're gonna go as far  
36 as Metropolitan Grove and we'll get to Germantown and Clarksburg in 20 years"? Does  
37 everything stop? We can have much faster and much more frequent express bus service  
38 than on the 270 than we have now? There's all kinds of ways of improving MARC service.  
39 There are all kinds of ways of improving transit short of the CCT, not as good as the CCT,



July 14, 2009

1 but providing more of that and still be able to allow some more development to happen in  
2 a targeted way in the town center. If you don't have the staging in the Master Plan, but  
3 incorporate in the growth policy what it used to have, which is the ability to allocate  
4 housing and jobs--I would even go so far as to say that--not just development, but the  
5 housing versus jobs, as well, to the town center. And that's why this issue about the  
6 boundary of the town center, which we'll get to later, is important, too, because they're  
7 deciding who's in and who isn't.

8  
9 MARLENE MICHAELSON:

10 And if I can add, the bottom line for somebody who doesn't immerse herself in the details  
11 of the growth policy like Glenn does, is one is focusing on capacity growth policy, and in  
12 Master Plans, we focus on specific facilities. And so, if you are 100% convinced that  
13 there's only one facility that can get you what you need, you can put it in the Master Plan.  
14 If you think there are lots of different ways to get the capacity and you want to provide the  
15 flexibility, so if the CCT is not built to have a bus line or something else, then the growth  
16 policy gives you that flexibility to achieve capacity in a lot of different ways. And in this  
17 specific Master Plan, I guess, we were not convinced that these specific facilities are the  
18 only way that Germantown could proceed. You will get to other Master Plans shortly  
19 where I think we'll have a different view on that very issue and feel specific facilities are  
20 more important.

21  
22 DAN HARDY:

23 I think, if I could, I would add, that is a basic policy level decision, is do you want the  
24 facilities that are in the Master Plan like the CCT to be built and staged as the Master Plan  
25 occurs, which is what staging does for you. It ensures that those things actually get built.  
26 Or, do you want the flexibility to, every couple years, figure out how to get the next amount  
27 of development built in Germantown with or without the CCT? And I gotta add, for two  
28 years now we've had Germantown East has been 100% mitigation, and I haven't had  
29 anybody tell me what a great incentive that is to the development of the town center. So,  
30 the staging ceiling issue still is are we building the things that we want to build in a timely  
31 manner? And our proposal was to say, "Bring a plan forward that says we won't hold up  
32 development so you don't get densities that will support the CCT, but it can't all happen  
33 until you have the CCT." That's, I think, the biggest one of the facilities that is a policy level  
34 discussion as to how you want to proceed.

35  
36 ROYCE HANSON:

37 I think overall, the issues is whether you want to include major facilities and the staging of  
38 major facilities in the Master Plan as part of the overall vision for the way in which it  
39 developed, or if you want to go biennium by biennium incrementally, seeing how you can



July 14, 2009

1 eke out a few more opportunities for development somewhere in the area and essentially  
2 bring before the Council the arbitration of which property owners get to go ahead. That's  
3 basically what you're gonna be doing. You're going to be deciding which subdivisions we  
4 should approve.

5  
6 GLENN ORLIN:

7 No, not that far. That's overstating it, I think.

8  
9 COUNCIL VICE PRESIDENT BERLINER:

10 Again, as someone who has not had the benefit of all the conversations the committee  
11 has had with respect to this, this has been very helpful to me, and I think it was very well  
12 articulated by, if you will, both perspectives, and now I have a better understanding as to  
13 how to think about these things if not a better understanding as to where I come out on  
14 these things. Thank you.

15  
16 COUNCIL PRESIDENT ANDREWS:

17 Yeah, I agree. That was very useful discussion and a very important one. Councilmember  
18 Elrich.

19  
20 COUNCILMEMBER ELRICH:

21 Interesting discussion, and I guess I've got some comments to make about what we've  
22 said and also where I think we need to go. Um... Glenn started with a bit of history, so I  
23 want to add a little bit of history. As a citizen, I worked with a number of community groups  
24 on a number of projects, and it was about the number of growth policies. And so, I want to  
25 tell you the downside of growth policy every 2 years. I sat in Councilmembers' offices  
26 where they listed the projects that were so critical for whatever--name your part of the  
27 county--that they then added up the jobs and housing generated by those projects and  
28 then voted for a jobs-housing ceiling that was the sum total of the projects they intended  
29 to approve, not the sum total of what was adequate in the infrastructure, not the sum total  
30 of what would make good policy, but simply the sum total of what they were told they  
31 needed to approve because this was critical. And we can only flash forward to a couple  
32 weeks ago, when all of us have been told, "We've got to change the growth policy on  
33 schools and come up with a new capacity number on schools because the old capacity  
34 number won't let you build a project because the schools are overcrowded. So, let's come  
35 up with a capacity number that lets you build the project, not that solves the school  
36 overcrowding issue, but come up with a capacity number that will let you build the project."  
37 And I go back long enough in this county to a day when what was considered adequate  
38 on the road was midpoint of level of service E, and that was a standard. And every time  
39 this county's bumped up against whatever standard we set, we go from midpoint of "E" to



July 14, 2009

1 the end of "E," to "F," to middle of "F",, to "F" to the 3rd. You know, we don't have "G", "H",  
2 and "I." We go wherever it needs to go in order to accommodate whatever people plan.  
3 So, that's the problem with just relying on the growth policy. It's subject to enormous  
4 political pressure. People spend lots of money trying to influence those decisions, and it's  
5 naive to pretend that that doesn't go on because everybody knows that if we don't change  
6 growth policies and we're up against capacity limits that things come to a halt. The real  
7 solution to this--and I think all of us, oddly enough, probably agree on this--is tying where  
8 we go with capital projects to the Master Plans and assuring that what we say needs to  
9 get built actually gets built so things can go forward in an orderly way that doesn't stretch  
10 out the infrastructure. The problem is getting there, and we go all around this, but we  
11 actually haven't gotten back to actually getting there. Now, I think that it would be useful...  
12 to talk about the staging stuff. We've had this discussion. I very much think we need to  
13 bring some element of staging back to it. But I think there ought to be a place in the policy-  
14 -in the Sector Plans for some of the staging elements to ensure that they're not subject to  
15 a 2-year political discussion, that they're not subject to, "If you don't do this, the world  
16 comes to the end. You must approve this project" so that they've got some permanence  
17 and people have to rely on them, and maybe then we'll actually be forced to do the things  
18 we're supposed to do. If it sits there, like, as an obstacle and you've got to confront the  
19 obstacle, maybe we get over the obstacle. But if I can erase the obstacle every 2 years  
20 simply by changing the number, that's not a very good way of getting around the problem.  
21 It kind of compounds it. So the comment about "These obstacles could persist for 20  
22 years," "What if they don't build the CCT, nothing happens in Germantown," well, we've  
23 got other ways of dealing with the CCT. We could decide how we're gonna fund it  
24 ourselves if it's that damn important and we figure out how to get this thing done rather  
25 than waiting 20 years for somebody else to do it for us, but the alternative, then, is to let  
26 major, major congestion occur in a place we said we don't want this to happen. The other  
27 thing that's lost out of all this is any sense of where Germantown fits in the I-270, 355  
28 corridor. I mean, so we're saying if it doesn't happen here, we'll let the development go  
29 forward and maybe we'll have to deal with high-level congestion. What's the implication for  
30 that decision to let something happen here for all the other stops along the I-270 corridor.  
31 We're neatly segregated, each and every one of these decisions out from each other,  
32 without considering the cumulative impact of this. So, you might say, "Well, let this go in  
33 Germantown." And so what if there's no CCT? Do I apply that logic to West Gaithersburg?  
34 Do I say, "Well, we'll let it go here, too, because we can't wait 20 years for a CCT so we  
35 must let this go forward and never mind what happens to all the rest of the infrastructure."  
36 So, I would like to see something put back, whether it's mode split, whether it's these  
37 projects. And I do agree that, for example, you could, in lieu of the CCT, we could decide  
38 that building a rapid transit system that got us from Clarksburg, Germantown, down to  
39 Shady Grove station would for large practical purposes, like you've talked about

July 14, 2009



1 expanding the bus network or whatever, any other way to do that, but providing like  
2 capacity, maybe not specifically through the CCT as Master Plan, but through something  
3 which provides--has the same effect of that would be an OK thing to do. So, maybe if the  
4 specificity hangs us up, maybe we ought to look for a way to get capacity defined as  
5 however we get capacity. And lastly, I'd like to hear from--I see Edgar's here--from the  
6 Executive's branch, what they feel about this, because I know they've got some views,  
7 and I think we ought to hear how they're looking at the intersection improvements and  
8 what they think is critical. So I'd like to ask Edgar to come up and talk a little bit about this.

9  
10 COUNCILMEMBER KNAPP:

11 Let me see. Do we want to do this in the staging piece? Do we want to do this in the  
12 transportation portion? Where do you think it fits the best?

13  
14 GLENN ORLIN:

15 I think it fits here.

16  
17 COUNCILMEMBER KNAPP:

18 OK. [Indistinct]

19  
20 MARLENE MICHAELSON:

21 I just wanted to add a point in terms of the staging, and I don't agree with anything the  
22 Councilmember--disagree with anything the Councilmember just said--

23  
24 COUNCILMEMBER KNAPP

25 I don't agree with a thing you said.

26  
27 MARLENE MICHAELSON:

28 But I did just want to bring up one other point that I think is unique to Germantown. If we  
29 have an area where there appears to be development pressure from a lot of different  
30 areas to move forward, to me, that's when staging really does help in determining  
31 priorities. At this point, we don't have that in Germantown. I think we wished for it in  
32 Germantown. We wish that everyone wanted to develop and we'd have to give preference  
33 for Town Center. But one of the reasons that I think you don't want to lock in too concrete  
34 in this plan and give some flexibility is if, for example, if 5 or 10 years from now the  
35 property owners in Town Center tell you they have no plans of developing in the near term  
36 and Montgomery College comes to you and says, "Our partner has this wonderful plan for  
37 a new biotechnology research center which furthers the goals of the County," and you  
38 have a staging plan that says that Montgomery College has to build out in three different

July 14, 2009



1 stages linked to the town center, you just may be at a place where you're not able to make  
2 a decision that is consistent with the policy directions that the county wants to go in.

3  
4 COUNCILMEMBER ELRICH:

5 Marlene, why don't we go back and rethink that, then? I mean, we just did a little thing in  
6 Wheaton where somebody said, "We want to do this, and this has implications, so let's go  
7 do a mini master plan and reevaluate it." You know, five or 10 years from now, when  
8 basically the real questions of the county won't be greenfield or residential anymore, they  
9 are going to be the smaller business cores, why couldn't we reopen this thing in 10 years  
10 and say, "We got a great idea. Let's look at this in light of, you know, the plans for the  
11 business core and reevaluate it.

12  
13 MARLENE MICHAELSON:

14 It is possible, and as I've shared in our discussions, I'm very optimistic that at one point in  
15 the future we will get to a place where we can rapidly turn around master plan  
16 amendments because we have an issue that's come up and we can address it. The  
17 Wheaton example is the only one I can think of that you just referenced, and that took  
18 about, I think, two years or so, and that was our only example that I know of in the past 10  
19 or 20 years where we've nimbly been able to respond, and I don't know if two years is  
20 nimbly--been able to respond to an issue that's come up with a rapid master plan  
21 amendment. When we get there, I would support what you're saying 100%. I don't think  
22 we're quite there yet, where we're able to use master plans in that way.

23  
24 COUNCILMEMBER ELRICH:

25 But the Wheaton one didn't take us two years. I mean, it took two years in the whole of it,  
26 but once we said go back and do the master plan rather than do the ZTA, they actually did  
27 that reasonably quickly. Maybe if that had been the discussion in the beginning rather  
28 than having the work done toward the ZTA, and then people, saying, "We're not  
29 comfortable doing this with the ZTA. We'd rather have the master plan," maybe it wouldn't  
30 have taken so long.

31  
32 MARLENE MICHAELSON:

33 I'm hopeful but still a little bit of a skeptic on our turnaround time on this issue.

34  
35 ROYCE HANSON:

36 There's one thing that I think the board will probably suggest to you in terms of our budget  
37 for next year. There is, I think particularly for these intentionally developed areas--the  
38 centers and employment corridors such as Germantown--that we really do need to look at  
39 these areas more frequently than 15 or 20 years. We were suggesting in the draft that

July 14, 2009



1 we'll send to you on Gaithersburg West, and I think we probably should put it in this plan,  
2 that it be reviewed in six years, and basically we ought to have in our work program a  
3 segment so that we can, on an annual basis, be reviewing about 1/6 of these kinds of  
4 plans every year. Now, in many cases, we're going to review them and say, "You don't  
5 need to make any change." But where you do make a change, then be able to fit that  
6 quickly into the work program and focus on the area where the change is needed. We  
7 probably will need to make some amendments to state law, too, so that we can have a  
8 more expedited process than the one that we have now, which is long and drawn out, and  
9 in fact one of the problems that I face, and I confessed to the PHED Committee the other  
10 day, just the time between when we finish the plan and when you've gone through your  
11 public hearing and finally get it into worksessions, I've, frankly, forgotten a lot of why we  
12 did what we did because that's about a six month gap. In the meantime we've worked on  
13 about four other master plans. So we need to process stuff quicker.

14  
15 COUNCILMEMBER KNAPP:

16 Before we get to Edgar, I just want to make, I guess, two observations. One, I very much  
17 agree with what Ms. Michaelson has just indicated, that a lot of what we're talking about in  
18 the other places that we're going to address going forward, you have things that have  
19 already been developed. We are still trying to get things to develop in Germantown, and I  
20 think that to some degree we are weighing the kind of conversations we're going to have  
21 in a place like White Flint, and it's kind of competing with what we're going to deal with  
22 there that's already on the ground, and we're saying, "Well, gee, that must correlate to  
23 something that we're dealing with in Germantown," and the reality is you're not there yet.  
24 We've got one little small section of our town center that's developed. The rest of it, we're  
25 trying to get to do something, because you've already put 100,000 people there. We don't  
26 have actual jobs for those people yet, so when we talk about transportation and we talk  
27 about mitigation, the practical effect of actually having jobs that people can go to in the  
28 community in which they live will have a significant impact on our local transportation  
29 thoroughfares. So we just--we don't have that right now. So I think that's another piece  
30 that needs to get brought out. The second element is, interestingly, as we've gotten on  
31 this conversation about the requirement for what are the capital infrastructure needs, the  
32 PHED Committee was actually putting together a memo to send to the planning Board  
33 asking when the growth policy comes up to include recommendations as to the capital  
34 projects necessary to satisfy the transportation infrastructure needs which would  
35 otherwise trigger PAMR mitigation requirements. So that when we actually look at the  
36 growth policy, we know what it is that we need to be doing when we get the CIP next  
37 January. We actually can get to Mr. Elrich's point which is what projects need to get taken  
38 care of, and so we are actually having this drafted for signature during that entire

July 14, 2009



1 conversation. So I think it's important to make sure we get that back into the discussion  
2 because that's going to be an important element going forward.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. All right. Mr. Gonzalez.

6  
7 EGDAR GONZALEZ:

8 Thank you. [Indistinct]

9  
10 ROYCE HANSON:

11 Your new best friend.

12  
13 COUNCILMEMBER KNAPP:

14 For a few minutes.

15  
16 EGDAR GONZALEZ:

17 Yeah, at least on this issue. Edgar Gonzalez, Deputy Director for Transportation Policy.  
18 From the executive branch perspective, we strongly support the need for staging. We  
19 have had staging in several master plans, the last of which the Council President  
20 specifically requested that before Shady Grove went to the next stage, the interchange of  
21 355 and Gude Drive be in the plan. So that's a strong signal that if we really want to do  
22 something, then we're going to put the funding to have that accomplished. And that's what  
23 staging from the implementation perspective means to me, that we have all of these  
24 ideas, but when the reality comes, those ideas, if we really think that they are good, we  
25 are willing to fund them. At the same time, so we're in total agreement with our colleagues  
26 at Park and Planning on the issue of staging. So for the record-- [indistinct]

27  
28 COUNCIL VICE PRESIDENT BERLINER:

29 ...waiting for the clause here. There's got to be--

30  
31 COUNCILMEMBER KNAPP:

32 In the committee, they were in agreement for, I think, six minutes.

33  
34 EGDAR GONZALEZ:

35 Then--

36  
37 ROYCE HANSON:

38 That's a record.





July 14, 2009

1 EGDAR GONZALEZ:

2 Then we are in agreement with the committee that the elements that are included in the  
3 staging probably can be tinkered with. It is our belief, again, from an implementation  
4 perspective, that the staging should be closely related to the balance between the  
5 development that we want and the transportation capacity--transit, bike ways, sidewalks,  
6 interchanges, road widenings--whatever it is that we put in these plans. It is, again, I'm  
7 looking at this from 30 years working with citizens in this county and responding to  
8 complaints. It's very frustrating to respond to a person that is tired of congestion for every  
9 day of the week and every day of the year. "What are you doing about this problem?" And  
10 you say, "Well, the master plan calls for this thing, but there is no money for it." Staging  
11 forces you and the state to say, "OK. We really mean it. We're going to do it, so let's fund  
12 these projects." As far as are you reducing the ability to react to major projects? Well, you  
13 can deal with it with the so-called major strategic initiatives. You have had--in other areas,  
14 you have major strategic projects that are exempt from certain things. So if you think that  
15 there is a hospital, or Germantown comes with a--Montgomery College comes with a  
16 unique idea or whatever, well, OK, let's classify it. Let's give them a way to implement  
17 those magnificent ideas without killing the rest of the staging process. So staging is  
18 important. We support it, the Executive supports it. We believe that the staging should be  
19 more closely linked with the transportation capacity improvements, being transit and all of  
20 the elements of transportation, not just roads but not just CCT either. There's more to this.  
21 This plan calls for 4 major new interchanges and a modification for an interchange on I-  
22 270 and Dorsey Mill. It calls for the widening of I-270. It calls for the completion of M-83.  
23 These are major investments. We're talking over half a billion dollars in projects. I mean,  
24 the CCT alone could be 800 million or, you know, 475 million--whatever the state decides  
25 to do. So we're talking a lot of money. Great ideas, but let's don't condemn people to  
26 being stuck in traffic for many years until we achieve balance at the end of the plan. We  
27 should have people living through uncongested conditions for some of the time in their  
28 lives.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 All right. All right. I think--well, let's see. Do you have--Dr. Orlin, briefly?

32  
33 GLENN ORLIN:

34 No one's disagreeing there should be staging. The question is whether staging should be  
35 in a master plan or should be in the growth policy. And if it's in the growth policy, you have  
36 the ability to be able to look every couple years, even every year if you choose, to be able  
37 to decide what order are things in. When you say it now, you're basically saying your  
38 judgment now is smarter than what it's gonna be in the next 20 years. And at the risk of  
39 losing the vote, which I probably will on this one anyway, with Mr. Andrews, the example

July 14, 2009



1 Edgar made about the 355/Gude Drive interchange. That was not in the planning board's  
2 recommendation for staging. It was not in the Executive's recommendation for staging. It  
3 wasn't in Council staff's recommendation for staging. It came up basically at the last  
4 worksession on the master plan where you yourself recommended it, and it passed by a  
5 majority vote there. And one of the objections we raised at the time was that was a  
6 relatively arbitrary piece of infrastructure. Why that as opposed to any of the 6 or 7 other  
7 things that could go forward, which perhaps are just as important as that one? Now,  
8 understand, that's what happened, that's the Council policy, and that's what we'll do. But  
9 what it means is that in Shady Grove, we can't go to stage 2 development unless that  
10 specific improvement's done, and although we put it on our project planning priority list  
11 several years ago, it's not moved forward one inch in all those years since. So, just  
12 because it's in a staging plan does not mean that the state is going to put it as a high  
13 priority. It does not even necessarily mean the county's going to if there's a resource  
14 problem and the money is wanting to go to schools or something else. And so I would  
15 argue you really want as much flexibility as possible. Finally, the things Mr. Elrich was  
16 talking about, about the political pressures that Councilmembers are under--you're under  
17 that now. You still will be every time there's--no kidding. Right. Whenever there's a growth  
18 policy in your rules, you're under pressure to loosen the rules or tighten the rules, and  
19 that's not gonna disappear. The only specific thing was the specific allocations. Are there  
20 pressures on that? And I remembering over the 20 years that I dealt with the growth policy  
21 from the mid-eighties to 2004, there were very, very few situations where the allocations  
22 that came from the planning board were changed. There were a few, and when they were  
23 changed, they were things like changing some housing to jobs. So it still stayed within the  
24 growth policy limit, but it was to accommodate a particular development that was about to  
25 go forward. That's true. But that was few and far between and still stayed within the  
26 adequate public facilities tests that were there.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 All right. Thank you. I do remember the Shady Grove sector plan well, and the logic of the  
30 argument must have carried the day. It remains, and was then, when we talk about the  
31 Shady Grove sector plan, the Gude Drive/355 intersection, one of the most congested  
32 intersections of the county. It was expected to get worse if the development went forward  
33 without improvements to that intersection. So, it was a good candidate, apparently. All  
34 right. We're gonna go to Councilmember Floreen, then Council Vice President Berliner,  
35 then Councilmember Elrich. And in terms of timing on this, what I envisioned is that--  
36 obviously this is a crucial issue. We'll continue in the afternoon going through the  
37 individual properties, because I know that Marlene Michaelson, our lead staff on that part  
38 of the sector plan, is well versed on that and can lead us through that. We'll get as far  
39 through the stuff before as we can, and will most likely come back on the 28th in the

July 14, 2009



1 afternoon. We don't have anything scheduled after about 2:00 on the 28th. That is our last  
2 session. But we have that afternoon available and we'll use it to go through the remainder  
3 of the sector plan so that, then, staff has the period when we're off in recess to put the  
4 resolution together. All right. Councilmember Floreen.

5  
6 COUNCILMEMBER FLOREEN:

7 Thank you. Well, I'm glad we started the warmup for the growth policy. I think one of the  
8 challenges is that the the last policy really rewrote capacity or eliminated it. It changed the  
9 expectation of what that might be and consequently, it's really hard to relate development  
10 to the current tests. Maybe that will change, maybe that won't. I don't know. But I will  
11 simply say that in the other master plans, Silver Spring has a parking cap. Bethesda at  
12 least had a transit usage issue. They were widespread, and that's helpful. And in Shady  
13 Grove, apart from the Gude Drive issue, there's the whole relocation of County facilities  
14 that we're right in the middle of, and we had a time frame for that, to achieve that policy  
15 objective. And those at least are wider spread to achieve the collective prioritization of  
16 these goals. The chair--and it's in the packet, what the proposal had been in front of the  
17 committee, and we honestly didn't see its connection to achieving the development that  
18 we'd like to see in Germantown. Good things to do--build a garage, great. We couldn't  
19 really quite create an urban services center without businesses there. And so it's a  
20 chicken and an egg thing. These are more implementation elements, it seemed to us, and  
21 I think I speak for everyone, than useful staging objectives. I think we all agree staging is  
22 good and if we know what the test was to achieve where we need to be, that would be  
23 helpful. We're not quite there yet. It would be helpful, frankly, Edgar or Dan, if you can give  
24 us your priority list for transportation improvements generally, and we could make sure  
25 that in order, in terms of capacity, and we could make sure to advocate that, put that on  
26 the right list in the capital program or in our advocacy to the state, so that at least we keep  
27 advocating for these initiatives. I know my colleague Mr. Berliner is talking a lot about  
28 Wisconsin Avenue these days. Great. These are wonderful things. But the question is,  
29 how do we get them moved forward and what is the County's prioritization for all these  
30 things? So, it's a balancing act between these different competing policies, and if we could  
31 at least get a list of the order of things, that would be helpful. The challenge is, and Marc  
32 has alluded to it to a certain degree, there is pressure to push one project over another.  
33 That was actually one of the problems with the growth policy with the policy area review  
34 standards that we had in place years ago, because they were so full of exceptions for  
35 good and worthy strategic initiatives that the overall policy ceased, I think, being  
36 intellectually consistent or even getting us towards the capital improvements that we  
37 needed to have in place. I mean, if there were a list that we could at least prioritize and  
38 focus on that's of general benefit to everyone, we would know what we were collecting  
39 transportation impact taxes for, and we could put them toward that. Should those projects

July 14, 2009



1 ever proceed, at least, you know, we'd have something expressed to spend the cash on.  
2 That had historically been the case in Germantown. The real issue, and it's as much an  
3 economic development issue as it is a planning issue, it's an implementation issue. How  
4 do we create incentives rather than disincentives for what we want to occur to occur? And  
5 one of the challenges, especially with Germantown, is there is a certain level of  
6 development in the town center now. It is not the level and the kind that we'd like to see  
7 there in the long run, but there is something there, and to suggest that it would easily be  
8 redeveloped when it's really quite recent is not that realistic either. So that has added to  
9 the complexity of how you move Germantown forward. I think, though, that the theme of  
10 the plan is moving Germantown forward, and that is a great objective and one that I think  
11 all of us would like to see occur. So if we had a list of the priority improvements that you  
12 concurred with, Edgar, and if they are the planning board ones, that's fine. Those are  
13 things that we should talk about. Perhaps they are different ones. All those intersection  
14 improvements on 270 require elaborate contributions from all the different parties, but  
15 again, if we don't, you know, put a marker down as to what we need to get going, we don't  
16 get going, and this stuff always gets lost in the dust.

17  
18 EGDAR GONZALEZ:

19 If I could respond to that, I think that is a great idea, and I think it would make a lot of  
20 sense if we get direction from the 5 of you, which constitutes a quorum, I think. If the 5 of  
21 you direct us to work together in common by the 28th with--here is one possibility or two of  
22 how we can stage this thing, then I can assure you that we can do it.

23  
24 COUNCILMEMBER FLOREEN:

25 That would be helpful.

26  
27 EGDAR GONZALEZ:

28 And, you know, if that's going to help the cause in the name of staging and interagency  
29 cooperation and goodwill, we will...

30  
31 COUNCILMEMBER FLOREEN:

32 Well, you did set the tone for that.

33  
34 ROYCE HANSON:

35 You just shouldn't pass up this opportunity. [Indistinct]

36  
37 COUNCILMEMBER FLOREEN:

38 Well, that would be great.

July 14, 2009



1 COUNCIL PRESIDENT ANDREWS:

2 A lot can be done in 14 days.

4 EGDAR GONZALEZ:

5 Is that a deal?

7 ROYCE HANSON:

8 Sure. It's a deal.

10 EGDAR GONZALEZ:

11 OK.

13 COUNCIL PRESIDENT ANDREWS:

14 Council--chair of the PHED Committee.

16 COUNCILMEMBER KNAPP:

17 I guess the point I would raise is, this has been a great, far-ranging conversation. As the  
18 chair of the T&E committee has indicated, this is a great precursor to the AGP. The  
19 interesting issue here, though, is that the element of staging that was proposed for this  
20 plan was to encourage a vibrant town center, so all of the transportation stuff that's been  
21 raised is great, and yes, probably can be done through the AGP or can be done in a  
22 variety of ways. The goal here for staging was for a vibrant town center, and so many of  
23 the things we have kind of digressed on for the last 45 minutes are all worthy things to  
24 discuss, and Edgar's proposal notwithstanding, that doesn't necessarily get us to a vibrant  
25 town center. It gets us to a list of transportation projects, which are important, but--so  
26 we've got to try and keep that goal in mind, which is get to a vibrant town center, and how  
27 do we get the economic activity that will encourage that to occur? And I think that's what  
28 we've got to get to. Staging broadly is a good thing, everyone agrees. What are we doing  
29 with this plan, and what are we trying to do to make this plan go forward? And that's got to  
30 be our focus.

32 ROYCE HANSON:

33 I think the PHED chairman has made a very good point, but it's not only just about the  
34 vibrant town center. It's also about having in place the facilities that are necessary for the  
35 uptown and midtown and college centers to develop as well as they should. And again  
36 just point out that in each stage that we were recommending, it's possible for development  
37 to proceed in most of these areas, but the idea is to try to keep--to stage so that  
38 something can happen in most places in most stages but that you give some preference  
39 to the town center in the way in which you structure this staging operation.

July 14, 2009



1  
2 COUNCIL PRESIDENT ANDREWS:

3 Let's see. Council Vice President Berliner, and then I see a couple of other people who  
4 want to talk, too.

5  
6 COUNCIL VICE PRESIDENT BERLINER:

7 Mr. Chairman, where I see this conversation going--one, I do appreciate the two of you  
8 actually agree on something, and that's a moment that we ought to take advantage of. Did  
9 I understand --I want to clarify. You support staging. Do you support staging in the master  
10 plan?

11  
12 EGDAR GONZALEZ:

13 Yes, absolutely, and for--

14  
15 COUNCIL VICE PRESIDENT BERLINER:

16 So we have the executive branch and the planning board agreeing to staging in the  
17 master plan. The staging that you propose, and, Mr. Chairman, I want to make sure that  
18 you understand what I hear the commonality is, that the staging be focused primarily on  
19 transportation capacity, and part of the conversation we had before was with respect to  
20 whether one identifies specific roads, if you will, or specific projects like the CCT which we  
21 all support but we don't control, or do we talk about it in terms of capacity, which seems to  
22 me to be the more, quote, "flexible" way of addressing the issue and yet does fact address  
23 the issue. It says unless we have this kind of capacity--that could be the CCT or  
24 something else--then we can't move to the next stage, if you will. So I wonder--and it  
25 seems as if the focus on the town center first is a little more problematic in staging than  
26 the transportation piece. So those are my takeaways, for what they're worth, and where I  
27 see we could move forward both with staging in a master plan but perhaps a little less  
28 emphasis, as the chairman indicated, on trying to focus in the way in which you did on the  
29 town center dynamic.

30  
31 ROYCE HANSON:

32 I think that you can probably achieve both, and I think one of the problems that we're all  
33 having here is that we're learning as we're doing this stuff. And one of the--I think one of  
34 the things that can ease the problem a little bit for the kind of issues that Mr. Knapp is  
35 talking about is to include in the staging a performance goal so that your overriding  
36 situation is that if you're getting the kind of service or functionality that you're trying to  
37 achieve that it doesn't matter that much whether Project A or B has been completed by  
38 that time. What matters is if you've got a level of service that works for the area. When you  
39 have 2 or 3 projects, for instance, that are part of the staging mechanism, if all 3 of them

July 14, 2009



1 go forward, that's great, and you really get a lot of capacity out of that. If one of them has  
2 been completed and the other two are still not quite complete, you may have a little bit  
3 less capacity but you still may be able to proceed in some way. But I think we probably  
4 need to sit down with DOT and talk through this and come back to you by the 27th. For  
5 instance, there's a whole list of capacity-generating projects in the appendix that we didn't  
6 include in the body of the plan. I think that was a mistake on our part in not providing  
7 enough coordination between those things. So I think this is something--

8  
9 COUNCIL PRESIDENT ANDREWS:

10 Yeah. In terms of a schedule, I think there's interest in this.

11  
12 ROYCE HANSON:

13 A workable program.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 But I think we would need it back before the 27th because the staff needs to prepare a  
17 packet about it so we're really talking about the middle of next week is when we would  
18 need it by.

19  
20 GLENN ORLIN:

21 There's another possibility.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 Middle of next week in order for staff to add their thoughts about it and for it to be put  
25 together and got out to us so we have time to think about it as well.

26  
27 ROYCE HANSON:

28 Like the 90-year-old man who was sentenced to 30 years in prison, we'll do the best we  
29 can.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 Right. Good.

33  
34 GLENN ORLIN:

35 In terms of performance goals, we actually had part of this conversation in the PHED  
36 Committee too in the first worksession. One of the points in the planning board's staging  
37 which does stick out as one that has been done in other plans--even if you don't have  
38 staging otherwise but could work quite well is the non-auto driver mode share goal. We  
39 have that in Bethesda's CBD plan. We have that in the North Bethesda Garrett Park plan.



July 14, 2009

1 And there was--those goals were very, very important in terms of encouraging TMD work  
2 and other work--not so much that the big capital projects because, you know, they just  
3 haven't happened, folks. But the day-to-day stuff to try to get more people in transit and  
4 into carpooling and increasing bus service, that sort of thing-- worked. Several years ago,  
5 Bethesda went from stage 1 to stage 2 because it achieved the 32% goal. About the same  
6 time, North Bethesda went from whatever it was to whatever it is now--[indistinct] stage-- I  
7 think it's 1 to 2 also-- because it met its goals in mode share. And so if you stayed with the  
8 PAMR--the problem with just leaving PAMR as it is --a couple of things I mentioned  
9 earlier, but remember how that works. You have a combination of highway mobility and  
10 transit mobility, so you could achieve a goal with just a lot of highway mobility and very  
11 little transit, but if you have a specific performance measure for transit in the plan, it  
12 means you have to meet that, too. And so as I think Dan mentioned earlier, the current  
13 mode share is 16%. The mode share goal in the plan is 25%, and one of their criteria is  
14 that the non-auto driver mode share be increased to 21% within the previous 12-month  
15 period. And that kind of thing, I think, is a reasonable kind of staging element because it's  
16 a performance element. It doesn't say this project or this particular bus service has to go  
17 first. It keeps that flexibility. But the goal, which is really all we're looking at here in plans--  
18 what we're trying to achieve is getting higher mode share--is what's met.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 Thank you.

22  
23 EGDAR GONZALEZ:

24 And we agree with that. There should be a component in the staging to reach mode share  
25 as part of that. Absolutely, and that means also support for the North County depot, and  
26 don't get rid of impact taxes, because that's what is going to fund these projects.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 OK. Thank you, Edgar. Not missing an opportunity. Councilmember Elrich.

30  
31 COUNCILMEMBER ELRICH:

32 Thank you. That was really well done. You're kind of like a celebrity on a talk show who's  
33 plugging their movie inadvertently. But I'm not going to say anything about PAMR now  
34 because I'm going to have so much to say about it when we get around to it later on. But I  
35 do wonder a little bit, you know--I'm conflicted a little bit about where we're going in this  
36 notion of a vibrant town center because we've kind of been told that no one's going to be  
37 knocking down what's been built there anytime soon, so on the one hand, the definition of  
38 a vibrant town center apparently is not what's there now, and people are saying that  
39 they're not going to be knocking down what's there now, and so the more likely places for





July 14, 2009

1 the development to settle are in these underutilized or not built up spots, which means the  
2 vibrant town center may well come later. So it may not matter whether what we do with--  
3 you may not be able to encourage anything to happen there if you've got to incentivize  
4 somebody who already has the building generating revenue to tear down their building  
5 and go through two years of nothing in order to get some marginal increase in density.  
6 That may result in some delay. But I do agree--and your earlier--your very first point has  
7 gotten lost in all this, which was the staging of certain kinds of projects in the town center  
8 and ensuring that the town center be the location for those, rather than some of these  
9 outlying centers. I mean, I would ask you to ponder whether Wegmans, for example-- that  
10 kind of grocery store ought to be a town center attraction, or should it be allowed to land in  
11 any of these other stations? I mean, is that the kind of thing that people view as  
12 transformative? For the life of me, I don't understand why, but there are some people who  
13 seem to think that those things are, and if they are, then does it really matter where  
14 something like that goes, or is it every other retail except for Wegmans? I'm a little vexed  
15 at how that all plays out with each other. And I think I want to--I hope that, Glenn, you'll  
16 work with them because I think this issue that you raise about not having the specificity of  
17 particular projects but trying to achieve a goal is where we want to go, and I think if  
18 everybody is kind of agreeable that we can look at this a number of different ways, I'll add  
19 that it would be nice if we could say, "What happens if you have a 35% mode share,  
20 transit share?" I mean, what does that change in terms of what kind of road projects you're  
21 stuck doing? Because a lot of what we're stuck doing on the roadside is a reflection of the  
22 decisions we make on the transit side. And you set a 20% transit goal. Then I need to  
23 build roads that accommodate 80% of the people coming in there to work. If I set a 35%  
24 transit goal, then I only have to accommodate 65% of the people coming in to work. That  
25 may change the nature of some intersections. It may mean that some things that are very  
26 expensive don't need to be done if we make a decision that we want to take this in a  
27 different direction. And I wish there were some thought given to, do we take this  
28 opportunity to drive higher transit shares, tell people we're sending a clear signal--we want  
29 you to do the development here, we want the jobs here, but we want it to come with a  
30 different modal split, and by the way, that modal split makes it cheaper for government,  
31 and by the way, you who we are going to be dunning for impact fees, it makes it cheaper  
32 for everybody to provide the transit. Because you can build the CCT, theoretically, in one  
33 form or another. Why not build it so it carries 35% of what we're trying to haul in here  
34 rather than 20%?

35  
36 GLENN ORLIN:

37 I think the goals in the plan are minimums. They're not, you reach that and say, "Oh, OK.  
38 We're going to stop now." In Bethesda, they've gone beyond 32%. They're pushing up  
39 higher. Of course, there's another stage beyond that--I think 39, 37%. But it is strictly that--



July 14, 2009

1 it's a minimum, and I agree with the chairman. I think what they've come up with 25%--  
2 given where Germantown sits in the region-- --it's pretty far out there-- you can have a lot  
3 of transit service, but its transit serviceability, its accessibility, is always going to be  
4 smaller, even if the same amount of transit service, same amount of density--let's say it  
5 got as big as--it's not going to get as big as Bethesda, but let's say it got as big as  
6 Twinbrook or White Flint. It's never going to get the same amount of transit mode share as  
7 Twinbrook or White Flint because it's not nearly as close to the transit serviceable  
8 population as those lower County areas are. The same is true with the areas around  
9 stations in DC, which has tremendous transit accessibility because all the different lines  
10 converge there. So I think 25% is a reasonable goal to have. We should try to do better.  
11 But I think 35%-- and I was around for that one too--was way too optimistic.

12  
13 COUNCILMEMBER ELRICH:

14 I thought the purpose of this whole discussion about getting more jobs into Germantown  
15 was the nexus of all this housing that was predicated on the existence of job so that  
16 people didn't have to drive out of Germantown to everywhere else but in fact could work in  
17 Germantown. So are we underselling, you know, on the one hand we're saying, "You can't  
18 achieve this." On the other hand, the whole reason why we're saying we're going to pour  
19 more jobs in there is because we have all these people who never got the job. So if these  
20 people are getting the jobs, shouldn't we be able to achieve something better than what  
21 we've targeted?

22  
23 GLENN ORLIN:

24 I mean--

25  
26 COUNCILMEMBER ELRICH:

27 If the transit infrastructure--

28  
29 COUNCILMEMBER KNAPP:

30 But even the [indistinct]????? doesn't get to that. That gets you up and down the corridor.  
31 It doesn't get you--the bulk of your population is east/west. I mean, you've got folks living--  
32 you've got 100,000 people that are already outside of where the transit--

33  
34 COUNCILMEMBER ELRICH:

35 That place is not that big that you couldn't--I mean, you've made the point, Glenn, about  
36 what we're doing with transit already just with enhanced bus service. I mean, isn't there a  
37 way to take that a step further if that's really what you want to do? We're not locked into  
38 having to drive to all these jobs.



July 14, 2009

1 GLENN ORLIN:

2 No one's disagreeing with that. I think it's just a matter of how far we think it really can get.  
3 I mean, the task force he served on-- the Transition Policy Report Task Force--as was  
4 pointed earlier, says to increase their transit mode share by 45%. This plan actually  
5 recommended--I just did the math--going from 16% to 25% is actually a 56% increase. So  
6 it's assuming a 56% increase in transit share, from 16 to 25, which is still, I think, pretty  
7 optimistic but doable.

8  
9 COUNCILMEMBER ELRICH:

10 It's also a 30% decrease over the target in the previous master plan, so, I mean, is it up or  
11 is it down? It depends which set of numbers we're using here.

12  
13 GLENN ORLIN:

14 I think we start with where we are. We're at 16%. The 35% was always--it was a 20-year-  
15 old estimate which was --that was then. We know better now.

16  
17 COUNCILMEMBER ELRICH:

18 We would think in this day and age we'd actually be going in the other direction, but...

19  
20 COUNCIL PRESIDENT ANDREWS:

21 All right. We all want to get as much transit as possible, but there is also a benefit to  
22 shorter drives as well. If you can get people driving 5 miles rather than 20, that's a benefit  
23 to everybody else out on those roads that they used to be on, so that's important too. All  
24 right, let's press on.

25  
26 COUNCILMEMBER KNAPP:

27 Back to number 5. Requirements for minimum height structure, parking and mixed use.  
28 The committee recommendation was to amend the sector plan's required minimum three-  
29 story height requirement to add the words "where feasible" to try and create a level of  
30 flexibility. Instead of requiring structured parking for all new construction, it requires that  
31 any parking be located so as not to preclude the establishment of a structured parking in  
32 the future and change sector plan language to encourage mixed-use buildings rather than  
33 prohibit single use buildings. We're trying, again, trying to encourage and facilitate as  
34 opposed to be more negative in our approach.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 Council Vice President Berliner.

38  
39 COUNCIL VICE PRESIDENT BERLINER:



July 14, 2009

1 The practical effect of "where feasible"--how does that play itself out?

2  
3 MARLENE MICHAELSON:

4 When you get to the development review process, the planning board is going to have to  
5 make a determination. A property owner will go before the board and say, "You've got this  
6 suggestion for a minimum 3-story. We can't do it for this reason," and it will be up to the  
7 planning board to determine whether it's feasible.

8  
9 COUNCIL VICE PRESIDENT BERLINER:

10 So we are stating, in effect, a policy of 3 stories but that there can be exceptions that the  
11 planning board can grant as appropriate.

12  
13 MARLENE MICHAELSON:

14 Absolutely.

15  
16 ROYCE HANSON:

17 The "where feasible" was my fudgy language that I suggested to try to get that one  
18 resolved.

19  
20 COUNCIL VICE PRESIDENT BERLINER:

21 I actually think that you could have done better because I think if you say "where feasible,"  
22 it seems as if it is the 3-story where feasible, or is it our general policy that it should be 3-  
23 story except where circumstances justify a deviation from that. So I do think if the  
24 language is 3 stories "where feasible," it isn't as compelling a policy as it should be 3  
25 stories except where circumstances--so that would be my suggestion if that's the goal.

26  
27 MARLENE MICHAELSON:

28 I think in testimony before the Council you had a number of property owners say that they  
29 pictured some interim level of development that would be lower and then would increase  
30 over time, and the policy issue is, how firm do you want to be in discouraging that and  
31 providing flexibility? I think the language "where feasible," you're right, is somewhat open  
32 to the planning board's interpretation. We certainly could make it more strenuous if that's  
33 the Council's desire.

34  
35 ROYCE HANSON:

36 The hardest rule on this would be to leave it as saying that it should be 3 stories, and I  
37 think the question, the legitimate question that was raised is whether that would pass  
38 muster in a challenge. One way to find out is to do it and have it challenged, and if we  
39 lose, we go to "where feasible" or we can start with "where feasible."

July 14, 2009



1  
2 COUNCILMEMBER KNAPP:

3 And I guess this gets back to kind of the theme that ran throughout our discussion of all of  
4 this plan is, we want to encourage activity, and we're doing Gaithersburg, White Flint. We  
5 have an economy that is faltering and will hopefully come back sometime in the interim.  
6 We're also seeing a lot of development in Urbana and Frederick, and so if you have  
7 become overly restrictive in one place, do you then encourage people to go other places  
8 that may cost more but you have different sets of incentives, and so I think that was what  
9 we struggled with through all of this. We want to see activity, and we didn't want to be  
10 overly restrictive in the activities being presented. So we wanted to have a goal--we'd like  
11 to get the 3 stories, but they're going to be situations where it may make more sense to  
12 have the activity than to get hung up on whether or not it's 2 or 3 stories.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 OK. Good. OK. All right. Let's go on to number 6.

16  
17 COUNCILMEMBER KNAPP:

18 Urban district and parking lot district. I think we talked about this a little bit because they  
19 are referenced as a part of the staging area. We want to support an urban district but  
20 recognize that it may not be as viable in the short term-- again trying to have a base from  
21 which you can draw extra resources from in order to support an urban district and then  
22 encourage the immediate creation of a parking lot district and start to work in that direction  
23 as well. I think the key issue that was raised there as we want to encourage that. By the  
24 same token, if we want to get to a modal split of anything above 16%, we want to make  
25 sure not to disincentivize folks who have just started taking transit because now we've  
26 made it cost- prohibitive for them to park for the day, and so we're going to have to  
27 balance that, but I think that this is something the committee felt strongly about trying to  
28 go forward with.

29  
30 GARY STITH:

31 Yeah. I'd like to make some comments from the executive branch's point of view. We don't  
32 disagree with the recommendation in the plan. We just want to make it real clear that a  
33 parking lot district as it's traditionally been known in Montgomery County may not end up  
34 being the parking lot district that works in Germantown and just want that to be very clear,  
35 that the way it's structured, the way it gets its resources in terms of land, the way it gets its  
36 funding, the way it operates may be different than the traditional parking lot districts that  
37 we have in Bethesda and Silver Spring and Wheaton, and we want to make that clear.  
38 Also, from the point of view of the urban district, I mean, you don't create a parking lot  
39 district to help fund an urban district because, frankly, I don't know that the parking lot



July 14, 2009

1 district in Germantown will ever generate enough revenue to actually be able to do that,  
2 but even if it did, we need to also look at other ways of funding or levels of service,  
3 perhaps, for an urban district, and so we want to evaluate that possibility sooner rather  
4 than later, and we'd like to work with you on that.

5  
6 COUNCILMEMBER KNAPP:

7 This committee is very interested in understanding urban districts and how to apply them  
8 much more broadly in the county and how to make sure that we have a clear level of  
9 service defined for all of our residents and all of our community so we can figure out the  
10 best way--

11  
12 GARY STITH:

13 We've talked about that a lot of times. Councilmember Marilyn Praisner was always very  
14 interested in figuring that out, and I don't think we ought to give up on it at this point. But  
15 there is a parking study that you funded that's jointly between the planning board and the  
16 executive branch, and I think out of that is going to be some information that will help us  
17 figure out how we could structure a parking lot district in Germantown. So we just wanted  
18 to make it very clear that when you say parking lot district, it may not be the same animal  
19 we've all come to love and know in other areas of Montgomery County. It may be  
20 something quite different.

21  
22 COUNCIL VICE PRESIDENT BERLINER:

23 Say that again--love and...

24  
25 GARY STITH:

26 Well, parking lot district have been very helpful for the development of both Bethesda and  
27 Silver Spring.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 OK. Council Vice President Berliner.

31  
32 COUNCIL VICE PRESIDENT BERLINER:

33 I am very interested in parking lot districts, but I'm also interested in the policy that I  
34 understood that the planning board was trying to facilitate, and I wanted to make sure I  
35 understand if there's any difference here of view, which is we really are trying to eliminate  
36 as much asphalt in our town centers as possible, and surface parking lots are about, to  
37 me, something that we should be seeking to avoid wherever possible. So if you could just  
38 give expression to where the committee stands with respect to that issue vis-à-vis the  
39 planning board's recommendation, I would be grateful.



July 14, 2009

1  
2 MARLENE MICHAELSON:

3 I think the committee concurred that that's a goal but also recognized that in the short  
4 term, you may have some interim development that is simply not dense enough to support  
5 structured parking, and so they wanted to change the language to be a little bit more  
6 flexible for that interim-level development, and I think also the parking lot district  
7 recommendation is to try and facilitate shared parking wherever possible. So that's the  
8 other way to achieve that objective and why they're recommending that that move forward  
9 as quickly as possible.

10  
11 COUNCIL VICE PRESIDENT BERLINER:

12 So I saw the language that suggested that if they go forward with surface parking lot, that  
13 it be surface parking lot that could then accommodate structured parking lot.

14  
15 COUNCILMEMBER KNAPP:

16 We'd like nothing more than that-- structured parking, as soon as we've got an economy  
17 that can support that.

18  
19 COUNCIL VICE PRESIDENT BERLINER:

20 Understood.

21  
22 ROYCE HANSON:

23 If you don't ask for structured parking, you won't get it.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 OK. All right, let's go on to the BLT program.

27  
28 COUNCILMEMBER KNAPP:

29 The BLT program, as Councilmembers will recall, when we approved the TMX zone, there  
30 was a requirement to purchase BLTs. One of the challenges that we'll face, not only in this  
31 master plan but in the upcoming master plans, is that we'll have an impact on various  
32 levels of development because the costs of the project are going to vary from area to  
33 area, and so what we have been asked is to make modifications within the TMX zone  
34 about the purchasing of BLTs. What I think we as the committee have recommended, and  
35 I believe the Council is moving in this direction as well, is we are going to be looking at the  
36 regulations for the BLT, and we'd rather use that regulative process to differentiate the  
37 different levels of value associated with where those BLTs may be purchased as opposed  
38 to trying to do it within the zone itself. And we actually received those regulations last  
39 week, and we'll be taking that up sometime in the coming 2 to 3 months.



July 14, 2009

1  
2 ROYCE HANSON:

3 There's just one comment that I'd like to make on this. Two comments, actually. One is  
4 this becomes an issue only in the TMX zone. Secondly, I want to just caution you on the  
5 problem of trying to establish a variable price for BLTs. Now, you may be able to establish  
6 a variable price for what the developer contributes to the fund.

7  
8 COUNCILMEMBER KNAPP:

9 Yeah. Yeah.

10  
11 ROYCE HANSON:

12 You will not have a variable price, however, I think, for what the county will pay for a BLT.

13  
14 COUNCILMEMBER KNAPP:

15 Correct. Correct.

16  
17 ROYCE HANSON:

18 So basically you're going to have the county subsidize the developer's BLT contribution.

19  
20 COUNCILMEMBER KNAPP:

21 Potentially, but that's the next conversation. We'll get to that one--

22  
23 ROYCE HANSON:

24 That's a conversation you're going to have to get to, and my guess is you're not going to  
25 wind up with a variable price.

26  
27 COUNCILMEMBER KNAPP:

28 No. We may very well end up with what you just described, but we're going to do that next  
29 month. OK. Transit station development area. The committee recommendation was--  
30 actually, Marlene, I was actually reading through this, when you could probably explain  
31 this one better than I can.

32  
33 MARLENE MICHAELSON:

34 The TMX zone requires that you designate a transit station development area and you  
35 can only use the TMX zone and transit station development areas. There is a map on the  
36 sector plan--in the sector plan on 56 called "proposed transit station development area,"  
37 and to draw circles around each transit station development but doesn't appear to include  
38 all the areas either that the plan designated for TMX or certainly now, with the committee's  
39 new recommendations. So this map just needs to be changed to be broader and to



July 14, 2009



1 include all of the TMX-zoned areas in a manner consistent with other plans that designate  
2 transit station development areas that show a broader area rather than circles around  
3 transit station areas. And I note that there's no disadvantage of designating it too broad  
4 but a significant problem if you designated too narrow.

5  
6 COUNCILMEMBER KNAPP:

7 OK. Thank you. The next issue, number 9, design guidelines. The committee's  
8 recommendation was to continue the Council's practice of not reviewing the guidelines,  
9 direct planning department staff to ensure that any changes are made in the sector plan  
10 are captured within the design guidelines but that they're not a part of the sector plan and  
11 as such are not approved by the Council as a part of this process. OK? Meaning of land-  
12 use maps and floating symbols. There are a number of maps within the document that  
13 have a number of symbols that it was unclear to folks if they were specifying certain types  
14 of activities to take place specifically where those symbols were or if there was flexibility,  
15 and so we wanted to try and do was to make sure there was a greater explanation on the  
16 land-use and transportation maps and diagrams so that people understood where there  
17 was flexibility and where there was not.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 Council Vice President Berliner.

21  
22 COUNCIL VICE PRESIDENT BERLINER:

23 Could be returned to an item for a moment? Because, Mr. Chairman, you had spoken  
24 previously about the relationship of the TMX 2 zone in the town sector zone, and I think  
25 we dealt with that at the very beginning, but I thought you had some concerns with respect  
26 to that issue, and if so, I didn't--

27  
28 ROYCE HANSON:

29 We do, but it's probably better, Mr. Berliner, to take that up this afternoon when we get  
30 into the specific properties.

31  
32 COUNCIL VICE PRESIDENT BERLINER:

33 Property by property? Thank you.

34  
35 COUNCILMEMBER KNAPP:

36 Do you want to--

37  
38 COUNCIL PRESIDENT ANDREWS:



July 14, 2009

1 Yeah. We have--well, I wanted to ask you if there were any comments that you wanted to  
2 make about any of the items in the remainder of this packet on individual properties, since  
3 most of it, at least, we will not get to this afternoon.

4  
5 MARLENE MICHAELSON:

6 And if I can add, and I don't know if there's time to do this, but among the individual  
7 properties, probably the biggest issue is the TMX versus the TS zone, and I don't know if  
8 you wanted to start on that while you have the chair of the PHED Committee here now.

9  
10 COUNCILMEMBER KNAPP:

11 We may want to do that now.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 OK.

15  
16 COUNCILMEMBER KNAPP:

17 Yeah, and just as a precursor to that, as I think Mr. Carter in his opening discussion kind  
18 of walked through the different things we're going to be addressing in the corridor, when  
19 the Council looked at the Twinbrook plan, I think the Council understood that we wanted  
20 to come up with a transit mixed-use zone, and the TMX zone was going to be the way to  
21 do that and was going to be the mechanism that was going to allow us to give us the  
22 types of flexibility in transit center areas that would get us the type of design, the type of  
23 densities, but the type of mixed-use development that they were all looking to try and  
24 have. Interestingly, in Germantown, it is one of two places where there is the town sector  
25 zone, and while TMX was identified for a couple of parcels, I think the committee was  
26 interested in both--given the activities that we undertook with Twinbrook and also given  
27 the fact that as we start moving forward with the zoning ordinance rewrite, we want to try  
28 to consolidate zones, not kind of have extraneous zones scattered throughout the county.  
29 So if you've got someplace like a town sector zone that's only used in two places and  
30 you're doing a master plan, wouldn't that be an opportunity to try to consolidate that  
31 extraneous zone in something that's a little more consistent? And so I believe the  
32 committee, in looking at the goals of the Germantown plan and looking at what we're  
33 trying to do with the rest of the 270 corridor, thought the TMX zone provided us a vehicle  
34 to get the same type of use, the same level of flexibility, and actually gives us more  
35 flexibility and more requirements, I think, in certain areas than the town sector zone was  
36 providing. In having that conversation, there are some specifics that Marlene can walk us  
37 through that are unique to the town sector zone, that if we change it in Germantown, it  
38 could potentially have an impact on Montgomery Village, but I think that we can address  
39 those issues, and that's the point that the chairman was raising. But I think I would caution

July 14, 2009



1 us to not not do the right zone in Germantown because of one other place it might have  
2 an effect. We should figure out a way to mitigate that effect in the other place, which I also  
3 happen to represent, and also do the right thing in Germantown. And so I think the  
4 committee was working forward with that perspective, and it recognizes that we don't want  
5 to change any of the town sector zone activities in Montgomery Village because that's a  
6 place it works very, very well. And so that's kind of set the stage a little bit.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 OK. Let me turn to Council Vice President Berliner, then to Marlene.

10  
11 COUNCIL VICE PRESIDENT BERLINER:

12 Mr. Chairman, while we have the chairman of the PHED Committee, would you like to  
13 respond on that level? Because do you have a substantive concern about the TMX zone  
14 being applied broadly here in Germantown, separate and apart from what you perceive to  
15 be the potential implications on Montgomery Village? Because if so, it does seem as if the  
16 chairman's observation of let's just address Montgomery Village as opposed to quote "not  
17 do the right thing" in Germantown.

18  
19 ROYCE HANSON:

20 I guess there are two points that I would make. One is that the risk that you run on this  
21 procedurally is that once--we don't have a text amendment drafted at this point.

22  
23 MARLENE MICHAELSON:

24 We actually do. It's not introduced yet, but --

25  
26 ROYCE HANSON:

27 OK. We haven't seen it.

28  
29 COUNCIL VICE PRESIDENT BERLINER:

30 You will soon.

31  
32 ROYCE HANSON:

33 I assume that we will soon. I think depending on what it says, we have to assess what  
34 kind of a problem it may present. The main substantive concern that we have again deals  
35 with the town center because substantively, everything that at least we had recommended  
36 in the master plan could be achieved in the town sector zone. Some of the changes that  
37 have been recommended by the PHED Committee could not be achieved without  
38 amending--I think they could--well, I'm not sure that some on the north end could be  
39 achieved with-- they couldn't be achieved in the town sector.

July 14, 2009



COUNCILMEMBER KNAPP:

You'd have to amend the town sector zone.

ROYCE HANSON:

You'd have to amend the town sector zone to let them be achieved. But the things that the planning board recommended could be achieved within the town sector zone. Within the town center core itself, one of the things that ultimately convinced me to stick with the town sector zone was that it is possible in the town sector zone to get more FAR on an individual site than two FAR. Because there is no FAR limit and no height limit in the town sector zone. And it would allow the establishment of an overall FAR of 2, even though some properties develop at less than 2. And in our analysis of the area, there were a lot of properties that won't develop up to 2.

MARLENE MICHAELSON:

If I could just respond on that point, because I think we have a disagreement here. The master plan specifically caps each of these properties at no greater than 2, so either we believe that if you develop under the town sector zone you don't have to follow any of the master plan limits, in which case I think we've got a problem, or if you believe that it does need to follow it, then the master plan really needs to be revised because it specifically limits it to no more than two. So my interpretation of the master plan would be that either under the TS zone or the TMX zone, the two is the highest, and that's right at the transit station.

ROYCE HANSON:

That's not the way we interpret that.

MARLENE MICHAELSON:

Now, the two doesn't apply to individual properties. It applies to areas that they've referenced, and that may be multiple properties, and I see nothing in the TMX zone that wouldn't give you that same flexibility as well. But the cap in the plan, the overall cap in the plan, the highest is two. But if I can direct your--

COUNCIL VICE PRESIDENT BERLINER:

Is the highest two for an individual property?

MARLENE MICHAELSON:

No. It's for a designated area, and the areas in many cases are single properties, but in some cases they're not.



July 14, 2009

1  
2 COUNCIL VICE PRESIDENT BERLINER:

3 So could a building be more than two?  
4

5 MARLENE MICHAELSON:

6 Absolutely, under either the TS zone or the TMX zone.  
7

8 COUNCIL VICE PRESIDENT BERLINER:

9 OK.  
10

11 MARLENE MICHAELSON:

12 I think that's what's been contemplated in Twinbrook, where it was applied, and here is  
13 that you have an area or a property where it's designated, and there are going to be some  
14 buildings that are less, some buildings that are more, with an overall density of no greater  
15 than two.  
16

17 COUNCIL PRESIDENT ANDREWS:

18 I see the chairman wants to add something.  
19

20 ROYCE HANSON:

21 I--just to clarify. In the TMX zone, property by property, you could not have more than two  
22 FAR. Now, on a single property, you might have one building that's 3 FAR and one  
23 building that's one FAR. But that's on a single project on a single property. In the town  
24 sector zone, you could have on an individual property, you could have an FAR greater  
25 than two. The master plan sets density guidelines for districts or for areas within districts--  
26 and for the town center and the core we're talking about an FAR of two overall. Now,  
27 wherever the TMX plan applies on an individual property, you'll get a two FAR maximum.  
28 In the town sector, you could have more than two FAR on an individual property and keep  
29 the overall density within that. Just to be clear on it. When you look at the whole town  
30 center core area, given what's already there that is unlikely to change in a 20-year period  
31 and some of the other things, what we calculated was you get somewhere between 1.3  
32 FAR and 1.7 FAR at the maximum, at buildout. If you are satisfied that that's enough --I'm  
33 assuming a TMX zone-- that's your choice. We thought that there was some advantage in  
34 the town sector zone in that area. Now in the other areas, it varies, so...  
35

36 MARLENE MICHAELSON:

37 I don't know if you want me to keep going back and forth on this, only because we  
38 continue to have a different interpretation.  
39

July 14, 2009



1 COUNCIL PRESIDENT ANDREWS:

2 We will come back to it, and we're going to wrap up in 5 minutes in any event, but I want  
3 to get-- Councilmember Elrich has had his light on. I want to get him in here as well.

4  
5 COUNCILMEMBER ELRICH:

6 This back and forth leaves me with some uncertainty and probably leaves other people  
7 with a lot of uncertainty. I don't understand. If it's not a limit of two on a property, how do  
8 you fairly--I mean fairly as in just-- achieve a two over an area? Because it seems to me  
9 what happens is somebody could come in with a 3, and somebody could come in with a 4,  
10 and every time somebody comes in with a 3 and a 4, then on other properties in the same  
11 area where you say you want the overall average to be two, other properties then can no  
12 longer get even a two because they've got to--whenever you've given somebody 3 and a  
13 4, it takes away from somebody else's 2.

14  
15 MARLENE MICHAELSON:

16 That's exactly the point that I was going to make, which is that the plan in several areas--  
17 for example, it says "redeveloped properties along MD 118/I-270 at an average density of  
18 2.0 FAR," and the only you can know if you have an average is if you have some sort of  
19 joint development plan, and in my mind, a joint development plan that shows an average  
20 of two would be permissible under TMX or TS, whereas, yes, perhaps--

21  
22 ROYCE HANSON:

23 Joint development, yes.

24  
25 MARLENE MICHAELSON:

26 Yes. Under TS, a single property owner could submit a plan that said 3.0, but how would  
27 the planning board know that they would get an average of two unless they saw the  
28 broader picture?

29  
30 ROYCE HANSON:

31 Actually, we would know because the Council would have established that in the  
32 development plan that has to be approved or amended under the TS zone.

33  
34 MARLENE MICHAELSON:

35 Right. So if there is some sort of joint plan of development, then under either zone, the  
36 average would still be capped at 2.

37  
38 COUNCILMEMBER ELRICH:



July 14, 2009

1 I want to be sure that whatever we do does not disadvantage somebody and prevent  
2 something else from not being able to be done--that if 2 is what we intend, that ought to  
3 be on either a property basis or a joint development agreement, but somebody shouldn't  
4 be able to go forward with a 3 on their property alone unless they've got another property  
5 owner who says, "I'm building mine, and mine is going to be a one," and you get your  
6 average of two that way.

7  
8 ROYCE HANSON:

9 The development plan under the TS zone encompasses all of the property in that  
10 particular area, so you can handle it that way. Now, you know, I don't want to kid you on  
11 any of this stuff because there are some property owners in the TS zone who would like to  
12 stay with the TS zone. There are property owners in the TS zone who would like not to  
13 stay in the TS zone.

14  
15 COUNCIL VICE PRESIDENT BERLINER:

16 Can you share why--I don't get it. I need to understand what the substantive--if I'm a  
17 property owner, why am I arguing to stay with the town center zone?

18  
19 MARLENE MICHAELSON:

20 If you look at page 18 of the staff memo, it outlines some of the differences between the  
21 TS zone and the TMX zone, and from a property owner's perspective, one of the key  
22 negatives is the TS zone has this very unique provision of limiting population--not FAR,  
23 not density, but population. It calculates what the population can be in a residential area.  
24 And so one example we heard was from a property owner hoping to build senior housing  
25 that said, "My senior housing units may have a far less impact than housing units where  
26 there are children or people commuting during rush hour, but because of this population  
27 limit, I cannot build under the TS zone and do what I want to do." So those concerned  
28 about the populations were worried about that. There's also nothing in the TS zone or  
29 anywhere else in the zoning ordinance that says that either the master plan or the  
30 planning board has the ability to allocate that population by property owner. And so the  
31 one thing we haven't faced yet is, if the first property owner in the door uses up a good  
32 percentage of the population, or more than what the plan hopes would be their allocation,  
33 whether the planning board has the ability to deny that and say, "You're taking an unfair  
34 share of population." So there's nothing in the TS zone that allows that allocation, and  
35 there's nothing in the TS zone that requires consistency with the master plan. So even  
36 though the master plan may say, "Here's our assumption about what we think we'd like to  
37 see on that property," if they submit something that's far greater, we don't have any  
38 backup that says the planning Board has the ability to require consistency with the master  
39 plans. Now, why a property owner may not want the TS zone is because the TS zone is



July 14, 2009

1 one of our older zones that does not require any of the public benefits we have in our  
2 current zone. It does not require amenities. It does not require TDRs. It does not require  
3 BLTs. It has a kind of strange way of providing bonuses for the MPDUs. No consistency  
4 with the master plan, and it has--exemption from forest conservation requirements as well.  
5 So I believe that there are some property owners who have said, "I like this zone. It's  
6 before the County layered on all of the additional requirements," but from a staff  
7 perspective, that was probably the number one reason I said that I thought we should  
8 move to the TMX zone because it has all of the public benefits we are requiring now in all  
9 of our new mixed-use zones, and I thought those were really important.

10  
11 ROYCE HANSON:

12 I think those are advantages. On the other hand, I think Marlene is in error about the  
13 consistency with the master plan. The zoning ordinance requires that before approving an  
14 application that the District Council has to consider where the application--we are talking  
15 here about the development plan--that the proposed development plan substantially  
16 complies with the use and density indicated on the master plan or sector plan and does  
17 not conflict with the general plan of the county capital improvements program or other  
18 applicable county plans and policies.

19  
20 MARLENE MICHAELSON:

21 And that is on the development plan, I agree. It's not on the individual applications that go  
22 to the planning board. So that's where we have a bit of a disconnect, and I wouldn't say  
23 it's a certainty that the board would not be able to require it, and knowing this board, they  
24 would exercise every bit of authority they think they're entitled to, but there's no  
25 guarantee, so...

26  
27 COUNCIL PRESIDENT ANDREWS:

28 I think that lays out the issues pretty well. Councilmember Floreen has a brief comment,  
29 and then we are going to adjourn until 1:45, when we'll come back for public hearings.

30  
31 COUNCILMEMBER FLOREEN:

32 Very brief. I have found this debate --continue to find it kind of bizarre because the town  
33 sector zone which has been applied in Montgomery Village is subject to no master plan.  
34 There is no master plan for Montgomery Village. There's one big map that has numbers  
35 on it and densities that have gotten moved around and sometimes argued about over the  
36 years. I don't know why we used it in the first place for Germantown except that that was  
37 the only sort of loose kind of zone that existed in--when was that, '89? But it really bears--

38  
39 UNKNOWN SPEAKER?????:



July 14, 2009



1 1968.

2  
3 COUNCILMEMBER FLOREEN:

4 When we zoned that Germantown the last time, rezoned it, it was in the 80s, I think.  
5 Because I was on the planning board then, so I was there.

6  
7 UNKNOWN SPEAKER?????:

8 The Churchill town sector was created in Germantown in 1968.  
9

10 COUNCILMEMBER FLOREEN:

11 Whatever. I would like to finish my sentence. Thank you. It was employed in Germantown  
12 when we did the master plan in the 80s. It makes no sense in the current situation when  
13 we have these additional expectations and we achieve the same result. But I just said, the  
14 only place it has worked was where there was one property owner who owned all the land  
15 and could align things very delightfully in a very positive way, but that's not the situation  
16 with Germantown.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 OK. Thank you, Councilmember Floreen. All right, we're going to come back for the two  
20 public hearings we have. They'll be at 1:45 rather than 1:30. Then we have a briefing by  
21 the Council of Governments on the Greater Washington 2050 Survey, which is scheduled  
22 to go for half an hour, so that will probably take us close to 2:30. We certainly won't begin  
23 the remainder of the Germantown sector plan discussion till at least the 2:15 that it's  
24 currently scheduled-- more likely 2:30. We'll likely go through as many if not all of the  
25 properties this afternoon, led by Marlene Michaelson, and we'll maybe get into the  
26 transportation issues a little bit. We'll see. Thank you all.

July 14, 2009



MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Michael Knapp

Councilmember Nancy Floreen

Councilmember Nancy Navarro



July 14, 2009

1 COUNCIL PRESIDENT ANDREWS:

2 Good afternoon, everybody. Thank you for being patient. We are running a little bit behind  
3 because our morning session went long. We have two public hearings, and then we will  
4 have a presentation about the 2050 Plan from the Council of Governments, and then we  
5 will come back to the Germantown Sector Plan after that. So we still have a long ways to  
6 go. The first public hearing is a public hearing on Bill 27-09, Ethics Amendments, that  
7 would amend the County ethics law to conform to a State Ethics Commission requirement  
8 and clarify and update other provisions of the County ethics law. Persons wishing to  
9 submit additional material for the Council's consideration should do so before the close of  
10 business Friday, July 24, this year. A Management and Fiscal Policy Committee  
11 worksession will be scheduled at a later date. And we have one person signed up to  
12 testify, and that is Mr. Antar Johnson, who is the chairman of the Montgomery County  
13 Ethics Commission. Welcome. And we have the executive director here, as well -- Barb  
14 McNally. Nice to see you, too. So there is a button on the left-hand side of there that will  
15 turn the mike on, and just be sure to introduce yourself for the record, and you have three  
16 minutes to present your remarks. If anything in -- that's written, we'd love to have a copy.  
17 You can give it to the clerk after your testimony, and we will be -- we'll read that in case  
18 you don't have a chance to finish. We have it. Very good. OK. And please go ahead.  
19 There you go.

20  
21 ANTAR JOHNSON:

22 Good afternoon, Council, President Andrews, and Honorable Chair -- I'm sorry. Good  
23 afternoon, Council Andrews and honorable Councilmembers. My name is Antar Johnson,  
24 and I'm the Ethics Chairman. Today -- today I am here to represent the Council and its  
25 proposed amendments to the ethics law. There are several amendments that I'd like to  
26 highlight in this bill, and some of those changes of which I would like to highlight right now.  
27 The first proposed amendment to the County's bill is the Ethics law into conforming with  
28 the State Ethics law. The State Ethics law allows an elected official to accept an otherwise  
29 prohibited gift of free admission to certain events if this gift is actually extended to the  
30 office, but the State Commission's model rules have actually erroneously extended this  
31 exception to all public employees, not just elected officials. The County, like most  
32 jurisdictions, actually follows the state's model rules. In 2006, the Maryland State Ethics  
33 Commission issued an opinion, Opinion 06-01, which concluded that the model rules were  
34 actually in error on this point. Shortly thereafter, the State Commission issued its opinion -  
35 - shortly after the State Commission issued its opinion, the CAO of Montgomery County,  
36 Bruce Romer, issued a memorandum to all department heads to actually follow the new  
37 interpretation of this State Ethics law. So if we go ahead and allow this change, this will  
38 allow the amendment -- the amendment will allow the interpretation so that the exemption  
39 only applies to elected officials. There is a further proposal for Section 19A-16(d), which



July 14, 2009

1 increases the value of meals and beverages that are able to be accepted by employees  
2 from \$50 per event to actually \$50 per year from any one source. This is actually in line  
3 with the federal standard. We have another proposed amendment, which is Section 19A-  
4 18(e)(1)(d), which would allow relief for the CAO for reviewing financial disclosure forms of  
5 the members of the boards, commissions, and committees that file every year. What we  
6 believe is that the financial disclosure requirements would better be suited for someone  
7 who is actually more familiar with the board's responsibilities -- for example, a director of a  
8 board or the agency that staffs a particular board, rather than the CAO. Our proposed  
9 amendments also allow for new language that includes for waivers and includes  
10 department director's comments before accepting the -- before acceptance of a waiver. So  
11 this way, we would have on record what the supervising director or supervisor would  
12 actually believe, if something was in -- if something needed to be addressed. That way,  
13 the commission can make a more informed decision. And lastly, the law -- the  
14 enforcement mechanisms will allow for clarity of issues such as when the County can  
15 claim -- can file an action in courts to enforce ethics violations regardless of whether a  
16 commission has conducted its own investigation or hearing into this matter. The  
17 commission appreciates this opportunity to present its amendments and looks forward to  
18 working with the Council in the upcoming worksession to improve the ethics law. Thank  
19 you.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 OK. Thank you, Mr. Johnson. And I'll see if there are any questions for you. I don't see  
23 any at this point. Oh, wait, I'm sorry -- Councilmember Ervin.

24  
25 COUNCILMEMBER ERVIN:

26 Thank you very much. I do have a questions as it relates to circle 11 of the packet on the  
27 27-09, where it says this will set a "cap of \$50 a year on value of meals and beverages  
28 that employees can accept from a regulated donor." And my question is, does this \$50 per  
29 year cap apply to events hosted by nonprofit organizations, that many of us attend on a  
30 regular basis, and many times those dinner tickets are in excess of \$50?

31  
32 ANTAR JOHNSON:

33 I understand. The executive director, Barbara McNally, is also with me. I would actually  
34 defer comments on that because the particulars -- what we were trying to address was  
35 actually lobbyists, and --

36  
37 COUNCILMEMBER ERVIN:

38 OK. Well, it wasn't spelled out, so that's why I'm asking the question. It's a --  
39

July 14, 2009



1 ANTAR JOHNSON:

2 I understand.

4 COUNCILMEMBER ERVIN:

5 It needs to be sort of defined a little bit more narrowly. Barbara, if you could respond.

7 BARBARA McNALLY:

8 I would like to suggest that these issues be worked out at a worksession where we can all  
9 have an opportunity to discuss the different scenarios that may come up, but this has  
10 been a problem as far as employees who do not have to file financial disclosure who can  
11 actually at this point, if there are no departmental regulations preventing them from going  
12 from -- say an inspector going to a restaurant and perhaps receiving a meal, and doing  
13 that repeatedly all day.

15 COUNCILMEMBER ERVIN:

16 Sure. But that wasn't my question.

18 BARBARA McNALLY:

19 No, but this is what the impetus was for having this provision changed. Whether it would  
20 affect the nonprofits -- I think we have to discuss that.

22 COUNCILMEMBER ERVIN:

23 OK. Well, that's why I'm bringing up the question. so when we get to the worksession, you  
24 know that this is going to come up as a -- as a question that I'm going to pose.

26 BARBARA McNALLY:

27 Great.

29 ANTAR JOHNSON:

30 Councilwoman, thank you. We will take that under note.

32 COUNCIL PRESIDENT ANDREWS:

33 Thank you, Councilmember Ervin. I do not see any other questions, so thank you all very  
34 much, and I know that the Management and Fiscal Policy Committee will look forward to  
35 working on the bill and will schedule a meeting on it. Have a good afternoon.

37 BARBARA McNALLY:

38 Thank you.



July 14, 2009

1 COUNCIL PRESIDENT ANDREWS:

2 Our next public hearing, and our last public hearing of the afternoon, is a public hearing on  
3 a special appropriation to the County government's FY10 Operating Budget for Rockville  
4 Parking District non-departmental account, in the amount of \$147,430 for reimbursement  
5 for lost revenue from library patron parking. Persons wishing to submit additional material  
6 for the Council's consideration should do so before the close of business Thursday, July  
7 16, 2009. A Transportation, Infrastructure, Energy and Environment Committee  
8 worksession is tentatively scheduled for Monday, July 20, at 9:30 in the morning. Before  
9 beginning your presentation, if you're one of our three speakers, please state your name  
10 clearly for the record. And our speakers for this item are Gayle Selkin-Gutman,  
11 representing the Rockville Library Advisory Committee, Jacques Gelin, representing the  
12 Rockville Friends of the Library, and Paulette Dickerson, speaking as an individual. And  
13 so if each of you will please come forward, and remember to press the button for the mike  
14 and introduce yourself at the beginning of your remarks. Any of the seats is fine. And then  
15 the yellow light will go on with 30 seconds to go, the red light means three minutes are up,  
16 and please stay at the table, because there may be questions for you, so please stay  
17 even though you may have finished your own remarks. Again, our first speaker will be  
18 Miss Gayle Selkin-Gutman, representing the Rockville Library Advisory Committee. On  
19 the left side. There you go. And can you move the mike --

20  
21 GAYLE SELKIN-GUTMAN:

22 Can you hear me? All right. Good afternoon. My name is Gayle Selkin-Gutman, and I'm  
23 representing the Rockville Library Advisory Committee. Thank you for the opportunity to  
24 speak with you today. I'm here to express our library community's support for the special  
25 appropriation for the Rockville Parking District to reimburse the city for the cost of patrons'  
26 parking at the Rockville Library. In April 2006, after much input and deliberation, the  
27 County Council adopted a policy that Montgomery County library patrons will be able to  
28 park for free near all of the County's libraries. This policy ensures that all County residents  
29 have equal access to their libraries. The Rockville LAC seeks to encourage library use,  
30 and we support the policy that ensures free parking at all County libraries. Library usage  
31 has increased during the recent recession -- during the current recession. Many daytime  
32 library patrons-- -- volunteers like me, senior citizens on fixed incomes, the poor, or the  
33 special-needs population, whose collection was relocated to the Rockville Library, have  
34 come to depend on this guarantee of equal access to parking for library use. It would be  
35 counter-productive to put up a financial barrier to library use, especially now when  
36 jobseekers, individuals, and families looking to conserve, need and use our libraries even  
37 more. Whenever I'm at the Rockville Library, I'm frequently struck by the many visitors  
38 who clearly put forth considerable effort just to get there. There are the disabled, the  
39 volunteers, and the parents with young children in twin strollers lugging heavy book bags.



July 14, 2009

1 Thank goodness I don't have to do that anymore. Would they all keep coming if they had  
2 the added barrier of having to pay for parking? I love volunteering at my library, but I'm not  
3 sure I would relish having to pay for that privilege. A couple of weeks ago, while I was  
4 sorting books for the FOL used book sale, a mother came in with her young son, dragging  
5 a huge wagonload of books to donate. I wonder if they would have brought them if they  
6 had to pay to park first. The recently built Rockville Library would stand to lose a  
7 significant number of patrons if paid parking were to be instituted. This beautiful new  
8 facility could quickly become an underused facility. Certainly no one wants that to happen.  
9 These are some of the reasons why the Rockville LAC would like to reiterate its support  
10 for keeping parking free for -- free at all of our County's libraries. At the moment, to comply  
11 with its previously adopted policy, the County has an obligation to honor its commitment to  
12 fund parking at the Rockville Library, as it does throughout the library system. The County  
13 Council has consistently recognized the importance of providing the best library service  
14 possible to our County residents. The Rockville LAC strongly recommends continuing this  
15 support by adopting the special appropriation under consideration today. Thank you again  
16 for your continued support of all our County libraries.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you for your testimony. Our next speaker will be Jacques Gelin.  
20

21 JACQUES GELIN:

22 Good afternoon. My name is Jacques Gelin. I've been a supporter of the County libraries  
23 for over 40 years, and currently I am president of the Rockville chapter of the Friends of  
24 the Library. I appear here in support of the special appropriations before you. When I last  
25 testified to the Council four years ago, in April of '05, I asked to increase funding of the  
26 system above the amount asked by the County Executive. You granted that request. For  
27 your convenience, I copied -- attached a copy of my testimony at that time to this  
28 submission. I then -- at that time, I reviewed the critical part that libraries have played in  
29 our culture since its founding, how important libraries have been in this age of information,  
30 and I pointed out that nearly half of the residents at that time owned library cards, and  
31 nearly seven million residents had visited the previous year. Two major events have since  
32 happened. First, we're in the midst of a serious economic recession -- the worst since the  
33 Depression. It's adversely impacted the finances of the County. The County's deficits will  
34 certainly be substantial, and I understand this problem. But would it not be unseemly for  
35 the County to provide free parking for Councilmembers, their staff, the entire Executive  
36 branch, but to require library patrons to pay for their parking? Second, holders of library  
37 cards that are County residents have risen from nearly a half to over two-thirds, and  
38 visitors to the library -- libraries have risen from 7 million to over 12 million. Circulation  
39 increased last year by 3.4 percent. The Library Director Parker's 2008 report states that

July 14, 2009



1 circulation was up over 5%, children's circulation over 11, teenage use up by 33%, audio  
2 books up 31%, large-type circulation increased by 17%. Obviously, it's no doubt that the  
3 libraries form an important -- even more important part in the cultural life of this County  
4 and in the economic life. The reason the County, as part of its countywide policy, should  
5 pay -- pass the special appropriation to reimburse Rockville for the cost of parking is  
6 simple -- Rockville Library is not a facility of the city of Rockville. It is part of the  
7 Montgomery County system. A bedrock principle of our free library system is that all  
8 County residents must be afforded free access for all of our libraries, and that's the  
9 essence of our system. Over the years, I've testified on behalf of increased funding, and  
10 you have -- and I've done it for the entire system, not just Rockville, and you've  
11 understood that. In addition to our enormous collection, Rockville has special-needs  
12 collection and other special collections which were moved here from the Davis Library,  
13 from Bethesda to Rockville. The patrons at this facility particularly deserve the same free-  
14 access parking as all other patrons. That's why your obligation cannot be separated from  
15 your obligation to fund the entire parking for the free -- for patrons of the system.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 Mr. Gelin, I have to stop you there.

19  
20 JACQUES GELIN:

21 Well, thank you very much.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 But we can read the rest of the testimony.

25  
26 JACQUES GELIN:

27 Yeah. I just have one sentence --

28  
29 COUNCIL PRESIDENT ANDREWS:

30 All right. One sentence.

31  
32 JACQUES GELIN:

33 The one sentence -- you steadfastly recognize the importance of our libraries. I urge you  
34 to support this continued thing by passing the special appropriation before you. Thank you  
35 very much.

36  
37 COUNCIL PRESIDENT ANDREWS:

38 Thank you. And our final speaker on this issue is Paulette Dickerson. Welcome.





July 14, 2009

1 PAULETTE DICKERSON:

2 Thanks. Hi. I'm Paulette Dickerson. When the issue of free parking at the Rockville Library  
3 first came up a few years ago, it seemed like common sense. There was dedicated  
4 parking at the old Rockville Library. There were parking lots at every branch of  
5 Montgomery County public libraries my family had ever used, except the Noyes Library for  
6 Young Children. For many years, the only library lot with parking meters was the  
7 Bethesda Library. A generation of development gave the town of Bethesda densely  
8 traveled, high-population urban core. At one point, commuters and others used the library  
9 lot with impunity, until two-hour meters were installed. Library patrons were glad to have  
10 the spaces back, glad to pay for the privilege. It was a good model for a public library in an  
11 urban situation. There are four reasons for discontinuing the appropriation that subsidizes  
12 parking at the Rockville Library. First, small -- smart-growth policies demand  
13 transportation choices that reduce or minimize congestion. Subsidized parking uses public  
14 funds to encourage solo driving instead of greener alternatives. Next, there is an issue of  
15 parity. Those who drive to the Rockville Library are handed the gift of a \$2 bill whenever  
16 they choose to park at a Rockville city parking lot. Those who walk or take mass transit to  
17 the library help to subsidize that gift but get little for their tax dollar except more  
18 congestion in the Rockville Town Center. The third issue is that of scofflaws. There is no  
19 easy way to make sure that only library patrons take advantage of the parking stipend or  
20 that patrons use only two hours of free parking, which brings me to my last issue. MCPL,  
21 like most every department in the Montgomery County government, has taken some  
22 major cuts over the last year or so. The materials budget is down. Staffing is down.  
23 Maintenance is down. Unless magic happens, the year to come won't be any better  
24 money-wise than the year that just ended. Money spent on free parking reduces the  
25 revenue available for core County services, not just for libraries. Access to public libraries  
26 doesn't actually require public parking. It requires a commitment to funding for bricks and  
27 mortar, staffing, and virtual services. There's a Richard Stallman quote that comes to  
28 mind. He was talking about free software, not free libraries, but he said, "Think free, as in  
29 free speech, not free beer." So, to my fellow patrons, I would say, libraries are free,  
30 parking is not, pay the \$2. Thank you.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 Thank you, Miss Dickerson, and thank you all for your testimony on this measure. The  
34 Transportation, Infrastructure, Energy and Environment Committee is scheduled to meet  
35 on Monday, July 20, at 9:30 to take it up. And we thank you and appreciate you being  
36 here.

37  
38 GLENN ORLIN:

July 14, 2009



1 Mr. Andrews. The packet also -- I want to correct something in the packet. The packet  
2 says the Council meeting is scheduled on this on July 28, but I understand yesterday it's  
3 been changed to the 21st.

4  
5 COUNCIL PRESIDENT ANDREWS:

6 Right. It's more likely -- Yeah. I think we're more likely to have the Council take it up on the  
7 21st than the 28th, given schedules. So we thank you and encourage you to attend the  
8 other meetings, as well. All right. We're now going to move on to a briefing by the Council  
9 of Governments on a recent report that was done on Greater Washington 2050 called the  
10 Greater Washington 2050 Survey Report, and we have the executive director of the  
11 Council of Governments here, Mr. Robertson, to talk about it. And I -- we've set aside  
12 about half an hour for this and appreciate him coming out to see us. We see  
13 representatives of the Council of Governments a fair amount down at the Council of  
14 Governments building, so it's nice to see you here, too, and welcome.

15  
16 DAVID ROBERTSON:

17 And I'm glad to come to your home. I appreciate the opportunity. I really -- it's the first time  
18 I've been in the new hearing room. It's a nice -- very nice facility, so congratulations to you  
19 on that. I heard a little bit of your earlier presentation. I'm Dave Robertson, executive  
20 director of the Metropolitan Washington Council of Governments, and I'm going to ask  
21 you, because I know you're grappling with very immediate issues, based on the  
22 discussion earlier, but I'm going to ask you to sort of cast your horizon a little further out  
23 and look at 2050. And I'll talk to you a little bit about why we think that's important. One is  
24 we think that the region, as many of you know from your work at COG, we're adding a lot  
25 people. That's a good thing. I grew up in the Detroit area. Detroit is not growing. They  
26 have tremendous challenges, so if you have a choice between a growing region with  
27 challenges and one that's not growing, I would take the growing, vibrant region every time.  
28 But -- so we have more folks, more growth. With some of that growth comes challenges --  
29 aging infrastructure, congestion, energy issues, climate change. So a number of reasons  
30 to take this up, and also because, frankly, a lot of other regions are doing it. Early planning  
31 in our region focused on the core of the city -- the McMillan Plan, before that, L'Enfant  
32 Plan. More recent planning focused on wedges and corridors. Arguably, we did a pretty  
33 good job of developing our corridors and not such a great job of preserving our wedges of  
34 open space. But we have a number of challenges in our region, and we certainly have  
35 arrayed much of our growth around our Metro system and the commuter rail lines and  
36 other infrastructure. How does COG begin to plan for the future? Well, again, we  
37 sometimes have a hard enough time planning for the next couple of years or the next TPB  
38 planning cycle, but we've created a new entity called Greater Washington 2050. It's a part  
39 of COG. It's not a freestanding organization. We reached out to some of our public



July 14, 2009

1 officials, our business and civic and environmental leaders, and asked that they be part of  
2 this process. It's really a multi-part sector, and I know we've had participation by  
3 Councilmember Leventhal and others on this group, as well. We wanted to address issues  
4 at a very comprehensive high level, at the regional level, looking at big issues of  
5 population growth, housing, energy, water quality, and so forth. We laid out a number of  
6 goals. We wanted to try and see where we could find agreement. That's real important at  
7 the Council of Governments. We represent 21 local governments, two states, the District  
8 of Columbia -- different philosophies, if you will, Virginia being a Dillon Rule state, with  
9 some limitations on what it can do; Maryland generally a Home Rule state; the District  
10 Columbia, a city, county, and state sort of all rolled into one. So finding areas of  
11 agreement and commonality certainly is central to what we do. We know this is important  
12 because we want to maintain our region's competitiveness. I know that's important to your  
13 community, as well. We want to be a sustainable region. We think that's important to your  
14 community, as well. And we wanted to build on a tradition of what we think is visionary  
15 leadership. We sought to sort of do two things very early in that process, and I'm going to  
16 spend a little bit of time on one of those. One is what we call our sort of scenarios  
17 workshop. What are the sort of big game-changers that we can't anticipate, quite frankly?  
18 I'm old enough to remember not the Star Trek movies, but the Star Trek TV show, and  
19 Captain Kirk had the little communicator device, and that was science fiction then. It looks  
20 like a Motorola flip phone now, because -- and everybody has them strapped to them.  
21 Technology, 1968. We couldn't have anticipated in the sixties when that science fiction  
22 program came out that science fiction would become science fact. What are the  
23 technologies that we can't anticipate today that are going to influence how we work, where  
24 we live, what we do in 2050? Climate change. Energy cost. Energy availability. All of  
25 those have the potential to be game-changers. What might be some of those? And we  
26 looked at those in a sort of scenarios workshop held by the Council of Governments to  
27 inform this work, and we examined again some of these big moves. One of the big moves  
28 potentially is, how does the federal government relate? In a time of enhanced security,  
29 how does federal development shape and influence our communities? The second thing  
30 we took up very quickly was a survey of residents in the Washington area. We wanted to  
31 sort of see what our residents, our communities felt were some of the big long-term issues  
32 that we ought to be thinking about. And I'll spend a little bit of time on that and then tell  
33 you where we go from here. Couple of things we thought were very important -- and I  
34 would point out, you do have in your packets a couple of documents. One is the printed  
35 report. That is the regional survey. You should also have a one-page, front and back. We  
36 knew when we did this survey to tell you what the region thinks is important, but to tell you  
37 what Montgomery County residents think compared to the region. That probably was  
38 equally, if not more so, important. So you have that and can toggle back and forth, and I'll  
39 highlight some of the areas where there may be some commonalities or differences. Good

July 14, 2009



1 news is that the feelings of connectedness to the region are pretty much universal  
2 between Montgomery County and the region as a whole. Strong connection to the region -  
3 - 71% in Montgomery County compared to 70% in the National Capital region. I think we  
4 can take pride on that because for a person like myself that works for a regional  
5 organization, essentially it tells me that there's an audience for the message that we're  
6 beginning to lay out there. Other good news story right up front is the residents of  
7 Montgomery County as well as the region as a whole think this is a great place to live --  
8 the National Capital region. In Montgomery County, 36% perceive the region and the  
9 County as excellent, 46% good. So again, I think that's a good news story. Where do  
10 people get news? That's important. Montgomery County and the region were very similar,  
11 a very engaged citizenry. Don't have to tell you that. People are connected to you in so  
12 many ways, reading about news, going on the Web sites. I know that there's a lot of  
13 participation, civic participation in Montgomery County, as well, so a lot of opportunities for  
14 folks to stay connected to the region and to seek out information. This is where it gets, I  
15 think, a little interesting. What are the most important long-term issues? And it's hard to  
16 sort of pull yourself away and say not "what are the issues important today," but "what are  
17 the issues that are going to be important 10, 15, 20, 40, 50 years out?" but I guess many  
18 of you might have arrived at the same answer as the survey. Number 1 regionally and in  
19 Montgomery County is transportation, traffic issues. Number 2, environ -- jobs and the  
20 economy. Number 3 for Montgomery County -- education and schools. Number 4, crime  
21 and drugs. Number 5, development and growth issues, and then health issues.  
22 Montgomery tracks pretty close to the region numbers. There are some differences. One  
23 of the things that we found in looking at the survey is, for example, connectedness to the  
24 region was stronger in the core, and as you got out further to outer communities, perhaps  
25 less so. That might seem intuitive, but again, a lot of these issues are very similar. Two  
26 things I would point out -- for some communities, issues of education were much higher  
27 locally, and crime and drug issues were much higher locally. I think that speaks to the  
28 investment that this community puts into its schools and puts into crime and issues that  
29 residents feel, while they're important, maybe not quite as much as some of your  
30 neighboring jurisdictions. Desire for regional action -- this is another one we think is  
31 important and sort of a glass half full, glass half empty. Generally about half of the folks  
32 think they're open to tackling things more regionally, compared to working on them solely  
33 at a local level. Again, for an organization that's in the business of advocating that many  
34 issues can be better addressed by working collaboratively in a way that doesn't usurp the  
35 role and authority of local and state governments, but to sort of partner, this is, I think, a  
36 good news message, as well. We then sought two other measures -- grading the region  
37 and sort of where you want to put your priorities. I'll go through them quickly on the  
38 grades. Again, we did this on a GPA standard, similar to your children in school or when  
39 you were in school -- 4.0 being the highest grade. In Montgomery County, I would point



July 14, 2009

1 out, your numbers, you're actually a little higher graders than the region as a whole. I don't  
2 know what that says. I'll leave that to all of you. But the number five issue in terms of your  
3 top five grades, things that you think you're doing exceptionally well in the County and in  
4 the region -- arts and cultural, having those diverse resources, diversity in your  
5 communities, good parks and recreation, green space, parks, and clean environment.  
6 That was the number five issues. I think that speaks a lot to the values that you have tried  
7 to sustain as leaders in your community, speaks to the issues, I think, that folks come to  
8 you on a regular basis, and tracks very nicely some of the regional numbers, as well.  
9 You'll see -- I think I'm frozen out here. Oh, there we go. These...Skipped ahead a bit. I'll  
10 just stop there for that part. But the other issues that we looked at are the priorities for the  
11 region, and again, it's in your place there. Again, number four, top four -- high-quality  
12 schools, health care, safe streets, and good jobs are the top four. You can leave it there.  
13 That's fine. What I show on this graph, and then I'll tell you where we're going, is how to  
14 array those two data bits, and so the graph that you see on here, sort of the vertical scale  
15 -- performance are the things. Are we doing a good job? The horizontal scale, intensity of  
16 focus, is, where do we want to put our emphasis going forward? So if you look at the  
17 yellow box, or the yellow quadrant, that generally is -- represents things that we think  
18 we're doing that are important, and we're doing a pretty good job. The green box are  
19 things that we think are important, and maybe we're not doing such a great job. And so  
20 the slide that you have on there is the regional numbers. The local numbers are the ones  
21 that are in your handout, and generally, you think schools and environment are the areas  
22 in Montgomery County that you're doing -- that are important and you're doing a good job,  
23 and that the green box are the things that you believe you're doing a pretty -- that are  
24 important, but maybe not so good a job, and that really gets to jobs, housing, and planning  
25 -- how we can integrate some of those principles that we saw. So then this gets to sort of  
26 my wrap-up, which is, where do we go from this? Information is helpful, but it really should  
27 inform good decisionmaking. We didn't want -- and I know a number of you tracked this  
28 discussion over the past couple of years at COG. We didn't want to start with a lot of  
29 brand-new visions. We felt we had a lot of visions, we had a lot of plans; how can we build  
30 on the existing information? So the work of COG, the work of our Transportation Planning  
31 Board, the comprehensive plans that you have -- we organized that around work that  
32 we've already done, public comment, recommendations from our 2050 coalition. We  
33 organized that into two buckets, or two categories -- physical development goals and  
34 goals around social and economic development. You see the categories. We laid out  
35 goals that we thought were aspirational, that potentially stretched goals, but that we had  
36 the possibility to attain. And so we speak in the goals to fairly broad language -- for  
37 example, we're looking for transportation choices, transportation systems that maximize  
38 connectivity, environmental goals that preserve open space, housing goals, housing  
39 types, diversity, production, preservation, and other affordability measures. And then we



July 14, 2009

1 said, well, how do we know that we're moving in the right direction? If you lay out goals  
2 but you don't really have a possibility or a metric, how do you know that you're achieving  
3 that? And so what we're proposing through this effort is to advance what we believe would  
4 be one of the first such tools in this region -- a voluntary compact that we would come  
5 back to you in the fall and say, would Montgomery County be willing to embrace this  
6 voluntary compact with these broad aspirational goals? We would reach out to business,  
7 civic, and environmental partners, ask them to also take the pledge, if you will, and then  
8 set about a process to measure whether or not we're moving in the right direction. In the  
9 example I sometimes give in presentations -- and I've done a number of them to other  
10 jurisdictions, and I hope to get pretty much all of our member governments between now  
11 and the end of this month -- is, if you have a child and the child comes home from school,  
12 and, "How did school go today?" And the kid said, "Swell," and you ask that question  
13 every day -- day in, day out, month in, month out -- but you never got a report card. You  
14 never had a parent-teacher conference. How would you know if the child was really  
15 performing, if they were moving in the directions that you as a parent and as the teacher  
16 know is important? And so that's what we're really taking up. We're laying out some  
17 performance measures or metrics, laying out some targets, and measuring progress. We  
18 know that people start this issue in different spots -- some communities are further along  
19 than others, some communities have more resources and tools, but generally, are we  
20 moving in the right direction? We don't want to -- it would be real easy to have an  
21 environmental measure and a land-use measure and a climate measure and a  
22 transportation measure, but we're trying to find metrics that really are more integrating to  
23 break down some of those stovepipes. Some of the examples -- and we've not fine-tuned  
24 this, although we'll be bringing this to the COG retreat later this month -- households  
25 within jobs and activity centers. We can measure that. Forest coverage -- are we  
26 preserving or losing open space? We can measure that. Green buildings -- are we  
27 developing more of our public facilities and private facilities with greener environmental  
28 standards or not? These are all measures that tell us whether or not we're moving in the  
29 right direction. So for each of these goals, for each of these targets, we hope to have a  
30 metric or measure in those categories of transportation, climate, economic development.  
31 And then, what's next? Well, this is part of the listening part where I take the message out  
32 on the road. I was in Falls Church last night. I will be in Prince George's, your  
33 counterparts, this evening. Have -- Loudoun was last week. Have done Alexandria,  
34 Arlington. So we're essentially on the road, taking this show on the road. We're going to  
35 then take that forward to the COG officials that will participate in our retreat for some,  
36 frankly, candid discussion, I think. The issue with COG is always, you know, do you move  
37 so fast that you sort of leave some behind, or do you just sort of move too slowly and not  
38 go fast enough for others? That's the trick to my job. That's the trick to my organization.  
39 Fortunately, I have good advisers -- my Board of Directors, those folks like yourself that

July 14, 2009



1 participate in the work of the Council of Governments. So this is sort of the listening part to  
2 hear what our member jurisdictions are saying. We're going to refine that -- excuse me --  
3 in late July. Then we're going to come back to you in the fall with what we have and say, is  
4 this something that meets your needs locally and regionally? And then we hope, if the  
5 answer is in the affirmative, that we would have something that folks could adopt, this  
6 voluntary compact, that would then allow COG to set out those targets, those metrics,  
7 those performance measures, on a basis of perhaps every two or three years, not unlike  
8 our traditional planning activities. We would go back out and say, are we moving in the  
9 right direction or wrong direction? We would share that information. It would, I believe,  
10 inform decisions. I like to think -- and there's ample evidence -- that local officials make  
11 excellent decisions with good information. That's not just local information, but how your  
12 local actions affect your neighbors, and how those of your neighbors affect your  
13 community. We have a Web site, of course, for this endeavor --  
14 greaterwashington2050.org -- but you can certainly reach me all the ways you know to  
15 reach me, and I'll be following up with the Council and also the Executive to make sure  
16 your views on this project are fully incorporated into the work going forward. With that, Mr.  
17 President, let me stop there and be happy to take any questions. And again, you do have  
18 three documents -- the summary report of the region, your one-pager that lays out the  
19 Montgomery information, and the text of the goals that are in the draft and are going to be  
20 discussed in the next weeks and months.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 OK. Thank you very much, Mr. Robertson, and appreciate your briefing on this. Council  
24 Vice President Berliner has a comment or question.

25  
26 COUNCIL VICE PRESIDENT BERLINER:

27 Thank you, Council President. And as you appreciate, and my colleagues appreciate, I do  
28 have the privilege of serving on the Board of Directors of COG, and Mr. Robertson, you  
29 were speaking of the challenges that you face with respect to the wide diversity of  
30 members that you have as part of COG, and I just want to say that our organization could  
31 not be better served than it is through your leadership with respect to all of these matters.  
32 I think the COG staff that you have assembled under your leadership is about the best I've  
33 seen of any organization of its type.

34  
35 DAVID ROBERTSON:

36 Thank you.

37  
38 COUNCIL VICE PRESIDENT BERLINER:



July 14, 2009

1 It really is top-shelf all the way. And I would say to my colleagues that I do believe this  
2 effort of going to the next level beyond the sort of loose collaboration that the Council of  
3 Governments historically has had to go to this compact is such a critical step for this  
4 organization. And I am totally supportive of it. I do believe, as you and I have discussed  
5 before, that the environmental equation, the Climate Change Committee, and all of that  
6 brings together the land use, the transportation, the environmental issues, and so it makes  
7 for a very ideal first step for COG to focus in terms of its compact, and that we can't  
8 obviously bind other jurisdictions, and other jurisdictions won't give up their sovereignty,  
9 but to be part of this compact where we all allow for us to be judged by these metrics and  
10 to be faced the consequences with respect to failing to meet those in terms of peer  
11 pressure, and peer pressure does matter. We have found, in our region, that there's a  
12 race to see which jurisdiction can be the most environmentally progressive jurisdiction.  
13 Those are the kinds of races we want to foster, and I believe this compact puts us on that  
14 path, and I commend you for the work you're doing.

15  
16 DAVID ROBERTSON:

17 I hope so. I think there will be a little heavy lifting still. I have been very pleased with the  
18 receptivity by our boards and councils so far, and I look forward to constructive criticism. I  
19 think there's a lot of ways that we continue to refine and strengthen this going forward,  
20 and I know the challenge in communities is, deal with today's issues. There are many very  
21 important issues this community and this region are grappling with, but to sort of keep our  
22 eye on the long term. And the message behind 2050 -- and I would -- I think this is  
23 important -- we launched this in part with the COG 50th anniversary. We were founded in  
24 1957, and we celebrated that in 2007, and while, yes, we celebrated the past, we knew  
25 that we wanted to build something for the next 50 years, so that if somebody celebrates,  
26 and I hope they do, the COG 100th anniversary -- probably won't be me, but somebody  
27 will, that they will look back on the decisions that were made in 2009 and 2010 and 2011  
28 as laying the foundation for some of the success that I know this region will be  
29 experiencing some 40 years out.

30  
31 COUNCIL VICE PRESIDENT BERLINER:

32 And just to follow up on that, I think some of the resistance at the COG board level and  
33 members was, do we need another vision, or do we need an action plan? And this is  
34 much more focused on an action plan going forward, as opposed to another study,  
35 another vision that just sits on a shelf.

36  
37 DAVID ROBERTSON:

38 I hope so.  
39





July 14, 2009

1 COUNCIL VICE PRESIDENT BERLINER:

2 This, hopefully, will move us forward.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Thank you, Council Vice President. I was going to ask if you could talk a little bit  
6 about how the survey was conducted.

7  
8 DAVID ROBERTSON:

9 Sure. Sure. It was a telephone survey, and one of the things we wanted to do is make  
10 sure we had a large enough sample size so that we could compare Montgomery versus  
11 Prince George's, Montgomery versus the region, and so I believe it was about a 1,300- or  
12 1,400-person sample, telephone survey conducted in February. And one of the things --  
13 and we've talked about this. We worked as a team with our coalition members to choose  
14 the questions carefully because you all are in the business of surveys or polling activity,  
15 so you know the question can help sometimes shape the answer, but we tried to have  
16 very neutral type questions. The thing that I would point out, the economy and the jobs  
17 ratcheted pretty high regionally and locally pretty much across the board. We went out in  
18 the field for the survey in February of this year -- right in the midst of the stock market  
19 issues, right in the concerns about the stimulus bill and all the attention to that. The  
20 business -- in fact, I will be doing a presentation to the Greater Washington Board of  
21 Trade. I did one earlier today. And the business fundamentals of Montgomery County and  
22 of this region remain strong. Yes, we have challenges and they're probably going to be  
23 bumping around for a bit, but I suspect that the economy and the jobs issues, maybe even  
24 issues around health care, probably skewed a bit higher because of when we went into  
25 the survey. Had we gone into the field with the survey in the fall, before the stock market  
26 and all of the very horrific budget issues that your community and others are dealing with,  
27 I suspect it might not have been quite that high on the scale, but we do have a very  
28 reliable, statistically valid survey, so the numbers for the County and the region, you can  
29 have some confidence in going forward. And a couple of other quick comments. I did a  
30 presentation similar to this to Loudoun County, and they do their own sort of citizen  
31 survey, and what they said is that the regional numbers that we had tracked pretty closely  
32 to some of the survey data they had. So I think -- I've not heard anybody say, "Golly, that  
33 doesn't seem like my community. That doesn't make sense." Most people think that these  
34 numbers are pretty close to true.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 Was there anything in the results that surprised you?

38  
39 DAVID ROBERTSON:

July 14, 2009



1 The 50% willingness to address things regionally -- it was a little higher than I thought.  
2 Again, I'm fortunate. I work with all of you and your colleagues, the folks that come down  
3 to the Council of Governments and show tremendous regional leadership. They get it. You  
4 would not participate in this association and give your time and a little bit of your treasure  
5 were it not for your conviction that you can achieve greater things locally by working  
6 regionally. So I knew that I'm a little spoiled because people that I work with pretty much  
7 get that. I was a little concerned that across the board, I mean, people are very invested --  
8 appropriately so. If you live in Montgomery County, you say, "I live in Montgomery  
9 County." And I live, personally, in Arlington, so I identify as a person that lives in Arlington.  
10 Very few people say, you know, "I'm a citizen of the region." That's a little bold. But the  
11 fact that half the folks felt that there was opportunity to work on things regionally, I was a  
12 little surprised, and pleased, by that number, as high as it was.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 OK. Thank you. Councilmember Ervin.

16  
17 COUNCILMEMBER ERVIN:

18 Thank you very much for all your hard work on the survey. It was really interesting to look  
19 at the results, but I want to go back to the question that Council President Andrews asked  
20 about the survey and how you did the survey, because it's always interesting to me who  
21 gets the telephone call, what time of day they got the telephone call, really determines  
22 what kind of information you're receiving, and were there cell phone numbers in your -- in  
23 your -- in your group. So, I happen to know that a lot of the constituents that I serve don't  
24 have hard-line phones in their homes, and they work more than one or two jobs. And so it  
25 really does skew the results. I get very concerned about these telephone polls, so I'm just  
26 curious how you -- how you did it.

27  
28 DAVID ROBERTSON:

29 We anticipated that concern. We did a couple of things. One, we held focus groups -- and  
30 ????? we didn't spend a lot of time on that, but we also did focus groups with a broader  
31 range of constituencies and perspectives to sort of stir that into the mix. The other issue  
32 we did is, on the cell phone issue, we worked with our survey consultant to essentially  
33 oversample as well as do some statistical manipulations to make sure that we had  
34 additional samplings of folks that were cell phone users, particularly young people. I  
35 mean, one of the issues we talked about -- again, to the age issue, I may be around, if  
36 medical science does a pretty good job in 2050, but maybe not, but we wanted to make  
37 sure that we were reaching out to young people, because these are the folks that are  
38 hopefully going to be building this community -- Rockville and Montgomery County and  
39 the different neighborhoods in the County -- and will be citizens of our region in 2050, so



July 14, 2009

1 we wanted to make sure that our statistical sample and our tools that we used made sure  
2 that we had a good representation of young people, and I believe we did that. And I can  
3 provide you, offline, a little more on the methodology and the steps that we took to attain  
4 that, but we were aware of that going in, because it's important to know what 54 year-old  
5 folks think, but I'm probably more interested in what 24-year-old folks think, and many of  
6 those do not have landlines or are working multiple jobs to make ends meet. So I believe  
7 we addressed that, and I'll provide that in more detail.

8  
9 COUNCILMEMBER ERVIN:

10 Right. One other point, too, and that is, it's not necessarily just young people, but it's  
11 people who have had to determine what to cut out of their household budget, so if they  
12 have a landline phone and a cell phone, they're going to turn off the land line. So as we --  
13 you know, all of us in politics, we think about ways to get our messages out to more and  
14 more people, and if we're really going to be on the cutting edge of information and how we  
15 receive information and give information, I think it's really important for us to really begin  
16 this conversation about who really is responding, and do they really represent the broader  
17 community? I'm very surprised about where health care ended up on the list, to tell you  
18 the truth, so those are just my comments, but I think it's a really interesting report.

19  
20 DAVID ROBERTSON:

21 I think you're right.

22  
23 COUNCILMEMBER ERVIN:

24 Thank you.

25  
26 COUNCIL PRESIDENT ANDREWS:

27 Thank you, Councilmember Ervin. I'm not sure there are other comments or questions at  
28 this point, but I want to thank you on behalf of the Council for taking the time to come out  
29 and present this to us. As Council Vice President Berliner said, the Council of  
30 Governments serves a very important role in our region, and most of us have served -- if  
31 not all of us, I think -- have served on various Council of Governments committees or the  
32 board, and we know that COG plays a formal role in the air-quality analysis or procedure  
33 that is part of the Clean Air Act with EPA and also with transportation, long-range  
34 transportation planning, and the Constrained Transportation Plan. So it has a very formal  
35 role there and plays a very important informal role in many other ways in terms of the  
36 networking that goes on among chiefs of police and fire chiefs and many other  
37 government leaders, whether elected or appointed. So thank you for, as Council Vice  
38 President Berliner said, doing a great job and having an excellent staff. We all benefit from  
39 that, and we look forward to the follow-up to this and continuing to work with you.



July 14, 2009

1  
2 DAVID ROBERTSON:

3 I hope to be back in the fall. Thank you.  
4

5 COUNCIL PRESIDENT ANDREWS:

6 OK. Thank you, David. All right. We are now going to return to the Germantown Sector  
7 Plan, and we're going to spend the rest of our afternoon session on that, and we're going  
8 to go through the individual properties that are listed in the plan. I think beginning on page  
9 11 or thereabouts, there are about 20 pages' worth of description of the individual  
10 properties that were part of the Germantown Sector Plan. And I know that Marlene  
11 Michaelson has all the details in her head, doesn't even need the packet, but I think she  
12 has it anyway, just in case. And I think I will have her discuss it, and we have two other  
13 members of the PHED Committee here -- Councilmember Knapp couldn't be here this  
14 afternoon, as was announced this morning, who chairs the committee, and so I know that  
15 Councilmember Floreen and Councilmember Elrich will jump in whenever necessary to  
16 help me out. They won't need to help Marlene out, I'm sure, but... Marlene, why don't you  
17 go ahead and just begin with the first property that is on page...  
18

19 MARLENE MICHAELSON:

20 Bottom of page 10.  
21

22 COUNCIL PRESIDENT ANDREWS:

23 Bottom of page 10, the Fox Chapel District, the Fox Chapel Shopping Center (FC-1) and  
24 Middlebrook Mobile Home Park (FC-5).  
25

26 MARLENE MICHAELSON:

27 Right, and just so -- to refresh your memory, there are about eight districts. We're going to  
28 go through it district by district. We're starting at the southeast corner and working our way  
29 counterclockwise around the Germantown area. But the first property is, in fact, the Fox  
30 Chapel Shopping Center and Middlebrook Mobile Home Park. The plan recommends  
31 RMX-2C/TDR zoning for a combination of both residential and commercial zoning. At the  
32 last committee worksession, the Planning Department staff clarified that there are  
33 essentially two different areas within this property, and I'll -- if you want to actually look at  
34 a map of the property, if you have the plan in front of you, on page 63 -- and the graphic is  
35 right behind you or in front of you -- there's the two areas you see for RMX-2C/TDR. The  
36 one to the north and the west is the area designated for a mix of commercial and  
37 residential development, and the area to the east, which is the mobile home park, is the  
38 area just designated for residential development, and the committee generally supported  
39 the Sector Plan's land use recommendations and the zoning, as well. And the one

July 14, 2009



1 clarification the committee offers is, the Sector Plan recommends a different level of  
2 densities if these two -- if these properties, multiple properties, are assembled, and the  
3 committee agreed with the property owner request that instead of using the word  
4 assemblage, which implies that somebody needs to purchase property from the other  
5 owner, that instead a joint plan of development could be submitted, and that would be the  
6 basis for the higher level of development. And the Sector Plan should specify the goals of  
7 the joint plan of development, and in this particular case, one of the main issues is making  
8 sure there are proper connections between the residential and commercial properties. So  
9 with that slight change in language, the committee did support the plan recommendations.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 OK. Council Vice President Berliner.

13  
14 COUNCIL VICE PRESIDENT BERLINER:

15 No.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 No? Oh, that was from the last discussion. Sorry. OK. I don't see any questions on that,  
19 so...

20  
21 MARLENE MICHAELSON:

22 OK. Moving, then, on to page 12, top of 12, the plan included a recommendation for  
23 accessory apartments for specific properties in Germantown. Since the issue of accessory  
24 apartments really needs to be dealt with through the zoning ordinance and not a Master  
25 Plan, and a Master Plan does not really have the authority to deal with this issue in a  
26 specific location, the committee recommended dropping this reference within the Master  
27 Plan.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 OK. I don't see any questions on that, either, and to those who are in the audience, some  
31 of whom are property owners, sometimes the waiting is the hardest part. OK.

32  
33 MARLENE MICHAELSON:

34 Next property is a credit union property, and the map of this property is on circle 17 in the  
35 packet. And you can see that the credit union property identified -- it's sort of a triangular  
36 property identified on the map -- is directly adjacent to another property which is split  
37 zoned C-1 and R-90. And the credit union --

38  
39 COUNCIL VICE PRESIDENT BERLINER:



July 14, 2009

1 Marlene, you're referring -- you said it's on page...

2  
3 MARLENE MICHAELSON:  
4 Circle 17.

5  
6 COUNCIL VICE PRESIDENT BERLINER:  
7 Circle 17.

8  
9 MARLENE MICHAELSON:

10 So directly -- again, directly adjacent to the credit union is a property referred to as outlot  
11 A, and it's split zoned. It's C-1 and R-90, and the credit union asked that the R-90 portion  
12 also be changed to C-1 because they're hoping to get access to their lot from Plummer  
13 Drive, and they could not have access if it was an R-90 property. And so the committee  
14 did support that, recognizing that we need to make an effort to reach out to the property  
15 owner of parcel N30-A, which owns the outlot, to make sure that they concur with that. We  
16 don't think there's going to be any problem, but we're going to close that final loop before  
17 the Council votes on it.

18  
19 COUNCIL PRESIDENT ANDREWS:  
20 OK.

21  
22 MARLENE MICHAELSON:

23 OK. The next issue is Montgomery College, and the Sector Plan recommends I-3 zoning  
24 for this property. And we had originally received testimony from the college requesting  
25 zoning to the Life Sciences Center zone. However, the committee discussed the fact that  
26 it really is unclear whether the I-3 zone or the Life Sciences Center zone would be better  
27 to help meet the college's long-term mission, and the idea is to provide the maximum  
28 flexibility to meet their needs into the future. And so, on the zoning issue, the committee is  
29 recommending language in the Sector Plan which supports the I-3 zoning but provides a  
30 flexibility to change the zoning to the LSC zoning if the college determines in the future  
31 that that is in fact the zone they want. Some of this may be related to whether or not it is  
32 selected as the location for the hospital, whether or not they continue to try and focus on  
33 biotechnology here. So you will see at the top of page -- or middle of page 14, new  
34 language for the college property which indicates that the existing zoning is not  
35 appropriate, that I-3 would be -- is the best alternative now, that the LSC zone is currently  
36 being revised, and if it -- if after revision, it appears that it is the most appropriate zone,  
37 that the Council could reconsider the zoning for the property before the Sectional Map  
38 Amendment, so it could be rezoned there, or if they don't know at that time, it could be a  
39 subsequent Local Map Amendment. One of the problems with the I-3 zone is that the I-3



July 14, 2009

1 zone requires a special exception for a hospital, and the committee felt that this is  
2 probably not necessary not only for this property, but for other I-3 properties, because if  
3 you're an industrial zone, you probably don't have the same need for a special exception  
4 that you would in residential zones. And so the committee is recommending on a separate  
5 track that the Council initiate a Zoning Text Amendment in the I-3 zone to allow hospitals  
6 by right instead of by special exception. And finally, I note that the committee felt strongly  
7 that this Sector Plan should not make a recommendation one way or the other as to what  
8 is the best location for the hospital. That's something the state is going to do, so the  
9 Sector Plan is not going to weigh in on that, and the committee noted that wherever the  
10 state decides to place the hospital, the Council will do all it can to facilitate its location, in  
11 either Germantown, Clarksburg, or anywhere in the upcounty.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 OK. Council Vice President Berliner has a comment or question.

15  
16 COUNCIL VICE PRESIDENT BERLINER:

17 And the college's position with respect to your recommendations is what?

18  
19 MARLENE MICHAELSON:

20 The college, I think, was satisfied with the language that you see here on page 14. They  
21 were also very supportive of having the text amendment move forward that would allow  
22 the hospital by right in the I-3 zone.

23  
24 COUNCIL VICE PRESIDENT BERLINER:

25 And would that... Are there any other circumstances in which there is a hospital located --  
26 or an I-3 zone that is possible for a hospital?

27  
28 MARLENE MICHAELSON:

29 We don't know. That's part of the analysis we're doing for the Zoning Text Amendment.  
30 We'll be -- we're looking at all the land zoned I-3, whether there's any place in which  
31 allowing it as a permitted use could be a problem. And so the text amendment, again, is  
32 going to pursue -- be pursued on a separate track, and that type of analysis will be done in  
33 preparation for the text amendment.

34  
35 COUNCIL VICE PRESIDENT BERLINER:

36 And does the Planning Board support such a text amendment?

37  
38 ROYCE HANSON:

39 Well, I --



July 14, 2009

1  
2 COUNCIL VICE PRESIDENT BERLINER:

3 Does the chair --

4  
5 ROYCE HANSON:

6 I always like to see a text amendment before I support it.

7  
8 COUNCIL VICE PRESIDENT BERLINER:

9 I understand. Conceptually, Mr. Chair?

10  
11 ROYCE HANSON:

12 Conceptually, I don't think there's a great problem with it. There is -- the Shady -- or  
13 Adventist Hospital, you know, in White Oak is also in an I-3 zone, and that's under a  
14 special exception. I don't know that -- whether the Board of Appeals has yet approved that  
15 special exception, but it's before them.

16  
17 COUNCIL VICE PRESIDENT BERLINER:

18 Thank you.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 OK. Thank you. OK.

22  
23 MARLENE MICHAELSON:

24 OK. Keep going, then? OK. Moving on to page 15, we're now in the Seneca  
25 Meadows/Milestone District, and the first property is Seneca Meadows property SM-1. It's  
26 shown in the -- well, it's actually shown right behind you, as well, so on page 61 of the  
27 Master Plan, and it's the area outlined here. This is a property that's currently zoned I-3.  
28 It's recommended for TMX-2. Again, the committee here supported both the land use  
29 vision and the zoning for this property, and the only real issue that came up is, there's a  
30 plan recommendation for both a recreation center and a park, and it doesn't specify the  
31 size of the park, so the property owner was concerned about how large it was. Planning  
32 staff clarified that they mean a half-acre park, and the committee recommends that be  
33 clarified here. With regard to the recreation center, there is an alternative location for the  
34 recreation center in Ridge Road Recreational Park, which I believe the entire committee  
35 thought might be a better location for a recreation center, particularly if this area, SM-1,  
36 develops without residential uses. And so they want to change the Master Plan language  
37 to indicate that this may be appropriate for a recreational center if the alternative location -  
38 - Ridge Road Recreational Park -- does not work out and if residential uses are placed on  
39 this property. So clarify there are only certain circumstances in which those uses -- the



July 14, 2009



1 recreation center would be required here. And the final decision on that will in fact be  
2 made by the Recreation Department.

3  
4 COUNCIL PRESIDENT ANDREWS:  
5 Councilmember Ervin.

6  
7 COUNCILMEMBER ERVIN:

8 I have a question on the grocery store. "While the TMX-2 would accommodate a grocery  
9 store, it would also accommodate a number of other uses that would be appropriate here."  
10 If a grocery store goes in at that site, would we have to change the Big Box Ordinance  
11 that the Council passed a few years ago?

12  
13 MARLENE MICHAELSON:

14 No, I don't believe so. I think the TMX zone would allow a large grocery store at this  
15 location.

16  
17 COUNCILMEMBER ERVIN:

18 Are we sure on that? Because we have Big Box legislation, and I want to know if that has  
19 to be --

20  
21 ROYCE HANSON:

22 I believe that's right. Greg will look it up -- look up the permitted uses real quickly, but I  
23 think it falls into the -- into the general retail uses that would be permitted in the zone. The  
24 advantage of the TMX zone here is, you could have mixed use, you could have a grocery  
25 or other kind of retail mixed with housing, which would be highly desirable for creating the  
26 situation or mixed with office.

27  
28 GREG RUSS:

29 That's correct. It would be permitted by right.

30  
31 MARLENE MICHAELSON:

32 As a grocery store?

33  
34 GREG RUSS:

35 Yeah, as a grocery store. Yes.

36  
37 COUNCIL PRESIDENT ANDREWS:

38 Thank you.



July 14, 2009

1 ROYCE HANSON:

2 The -- I guess the only... only reservation, and I think it could be handled with -- with  
3 crafting the language, one of the features that makes a district function in many ways,  
4 particularly if it has housing in it -- not so important if it doesn't have housing -- but if it has  
5 housing in it, a grocery is an important kind of retail use, so we just need to make sure the  
6 language is not crafted in such a way that sort of suggests not having a grocery.

7  
8 MARLENE MICHAELSON:

9 And the other thing I did want to mention for this particular property is, there's language in  
10 the plan recommending limiting retail uses along streets that just needs to be clarified,  
11 because I don't think the intent was to limit street level retail that may be appropriate in a  
12 transit/mixed-use area, and so we'll just clarify that language.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 OK.

16  
17 MARLENE MICHAELSON:

18 Moving on, then, to SM-3, top of page 16. This is the Milestone Shopping Center and the  
19 Neelsville Village Center. The committee supports the land use and zoning recommended  
20 for this site, and in particular, supports the plan's reference to a more compact urban form  
21 of development if this -- when the site redevelops in the future.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 OK. Don't see any comment, so go ahead.

25  
26 MARLENE MICHAELSON:

27 OK. The next property is the North End District east of areas -- North End District east of I-  
28 270. And you have two properties coming up that I'll link. One is NE-6, and then right after  
29 that is NE-1. One is on the east side of 270, the other on the west side, but the plan had a  
30 similar recommendation, and the committee had a similar revision for these two  
31 properties. In both cases, the plan recommended that these properties be mixed use  
32 under the TMX zone and that the development be limited to a .75 FAR until the town  
33 center reached a 1.5 FAR, at which point the Sector Plan recommended that it could go  
34 up to 1.0. So it was essentially a special staging recommendation for these two properties  
35 -- .75, and then at a certain stage, 1.0. Because the committee did not support the  
36 planned staging, it also recommends deleting the staging provisions for these two  
37 properties and allowing the full level of build-out suggested by the plan, which was the 1.0  
38 FAR. And so this is a case in which the committee did not disagree with the ultimate  
39 density recommendation, but because it eliminated the staging, assumes a higher density



July 14, 2009

1 than what was in the -- at least the original phases of the plan as recommended by the  
2 Planning Board.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Councilmember Elrich.

6  
7 COUNCILMEMBER ELRICH:

8 I just wanted to clarify that in this case, it seems like the staging is going to be natural. The  
9 argument is that no -- there's not going to be the demand for 1.0 FAR at the beginning,  
10 and so you're going to build out to something lesser -- maybe a .25, maybe a .3 or  
11 something like that, and the issue was that it was unlikely that anyone would build to .75 in  
12 the initial stage and then knock it down in order to just get up to a 1.0. That just didn't  
13 make any sense. You wouldn't tear down that much building to get that much of a  
14 marginal increase. So since we thought that the natural stage would be the lower  
15 development and then it would reach a -- it would reach full development as these other  
16 things happened, we decided to go with the final number of 1.0 rather than use .75. It  
17 doesn't actually increase anything, but I think it just made more sense.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 OK. Thank you for that explanation. OK.

21  
22 MARLENE MICHAELSON:

23 OK. So that is both for, again, Milestone North and East 6, and also for the next property,  
24 NE-1. I also want to mention -- and Councilmember Knapp mentioned this earlier -- that  
25 there was some confusion about the land use maps where it showed specific locations for  
26 residential or parks, and this is one property where that came up. And the intent is to add  
27 some clarifying language to the plan indicating that these land use maps are for general  
28 guidance but don't always show the exact specific locations of facilities or boundaries  
29 between residential and commercial. And as we got to the NE-1 property, there was also  
30 a request to allow use flexibility among blocks -- in other words, to be able to mix where  
31 you would put the uses within a given community. This is something that would happen  
32 during the development process, and as a result, the committee felt that this is not a  
33 Master Plan issue but one that needs to be explored further to look at the flexibility that  
34 the Planning Board may have to look at these issues at time of development.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 OK. Mr. Chairman.

38  
39 ROYCE HANSON:



July 14, 2009

1 Just to -- to be clear on this, the property that is being recommended for 1.0 FAR is a  
2 substantial property, so I don't staging impairs its development, but just wanted to make  
3 clear that we did not agree with that.

4  
5 COUNCIL PRESIDENT ANDREWS:

6 OK. Thank you. All right. Go ahead, Miss Michaelson.

7  
8 MARLENE MICHAELSON:

9 OK. Moving on, then, to page 18. Now we're back to the point we started out earlier about  
10 TS versus TMX zoning, and I think that the committee -- the Council, rather, really  
11 discussed all of the general issues, so rather than -- I won't revisit this unless there's any  
12 questions. We'll just get on to the application and the specific properties, which will give  
13 you an opportunity to see if you support the committee recommendation, and the very first  
14 of these is the Lerner property, which is NE-2. It's 130 acres. The plan recommended TS  
15 zoning, and this is the property where the property owner came in and said, "I'd like to  
16 build an active adult community, and I can't do that with the population caps in the TS  
17 zone," and asked for the TMX zone, and the committee felt that this was sort of an  
18 appropriate example of why the population caps were problematic and that the TMX zone  
19 could be a better zone to implement the plan, and in particular, a vision that was  
20 presented by this property owner. So in this case, the committee did support the TMX  
21 zoning for the property -- however, limiting the FAR to the .75 recommended in the Sector  
22 Plan, so although the number of individual units or the population will change, the overall  
23 density would be the exact same as recommended by the Planning Board in their draft.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 OK. Mr. Chairman.

27  
28 ROYCE HANSON:

29 Again, just two things. About half of the housing component that is proposed here could  
30 be done under the TS zone. I have a larger suggestion, though, to make to you on -- and  
31 that is, if you stick with the idea of reducing the coverage of the Town Sector zone, that  
32 leave yourself the opportunity either to use the TMX or the Commercial Residential zone,  
33 which we'll have to you by the end of the month. I think... I don't want to speak for the  
34 committee, but there was some discussion of this, and I'm not sure exactly where it came  
35 out the other day.

36  
37 MARLENE MICHAELSON:

38 And I think what the committee felt was that it was worthwhile for the Council to move  
39 forward with the TMX zone, but once the new CR zone is transmitted -- we should have it

July 14, 2009



1 before your final action -- and so as soon as we get it, we'll look at it, we'll do a  
2 comparison for you and either say we think the TMX zone is fine, move ahead with that, or  
3 the CR zone is so much better that we recommend delaying action on Germantown to  
4 move in the CR zone. So we will, in fact, look at that. I concur with the chair that it's worth  
5 examining that before final action.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 Very good. I see heads nod in committee, too, so, OK.  
9

10 MARLENE MICHAELSON:

11 OK. So then we're moving now on to the Cloverleaf District. Page 59 is the map and the  
12 plan, and behind you or in front of you, the -- also a graphic on this. And the Cloverleaf  
13 District is one that is currently zoned I-3, recommended for TMX-2. The committee  
14 supported the land use vision, the zoning, and the densities and mix of uses  
15 recommended in the plan, and the committee's changes here are to make sure we clarify  
16 that the mix of uses are intended for each property, since you have multiple properties  
17 here. And also, the committee was concerned with the recommendation here that there  
18 should be a grocery store, feeling that although a grocery store is allowed, that it's not the  
19 role of a Master Plan to specify specific locations for grocery stores because if this  
20 property doesn't build out for 20 years, it's entirely possible that either the area's need for  
21 grocery stores will already have been met or there may be some better vision. So the  
22 committee did not support specific recommendations for specific uses otherwise allowed  
23 by the zone.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 OK. I don't see any comments.  
27

28 MARLENE MICHAELSON:

29 OK. We're moving now on to Town Center, the heart of the Master Plan area, and the  
30 zoning map and property map for Town Center is on page 57 of the plan. There are a  
31 number of Town Center properties. The first one is the Bellemead Property, which is TC-1  
32 and TC-9, and these are zoned TS. The committee supports changing the zoning on  
33 these properties to TMX-2, but also making -- because this is a property owner who is in  
34 the middle of building out of a development to make sure that there are appropriate  
35 provisions, either in the zoning ordinance or in the commission's rules of procedures, to  
36 enable them to go forward with already approved developments without jeopardizing the  
37 developments or the approvals they've obtained. And that's sort of a not atypical  
38 grandfathering-type procedure we would do, so the committee is recommending that we  
39 be careful that Bellemead's ongoing development not be jeopardized by this change in



July 14, 2009

1 zoning. And that would be true for all property owners, not just Bellemead. They just  
2 happened to be the one to bring it up.

3  
4 COUNCIL PRESIDENT ANDREWS:  
5 OK.

6  
7 MARLENE MICHAELSON:

8 OK. Then moving on to TC-2, which is the police and fire station. It is recommended in the  
9 plan for TMX-2 zoning and for a mix of uses, and we did hear some concern from the  
10 Executive branch as to whether it's appropriate to have mixed use on a police and fire  
11 station. And the committee supports the mixed uses, but with some language added to the  
12 plan indicating that mix of uses are appropriate as long as it doesn't impede the operation  
13 of the police or fire station. And I think Executive staff were fine with that adjustment.

14  
15 COUNCIL PRESIDENT ANDREWS:  
16 OK.

17  
18 MARLENE MICHAELSON:

19 OK. TC-3 and TC-4. These are properties that were recommended for a combination of  
20 TS and TMX-2 zoning. Once again, the committee is recommending that it be entirely  
21 TMX-2, and that also that the plan clarify that a mix of uses, including commercial,  
22 entertainment, and housing are all appropriate on the site. And this was the intent, but the  
23 language in the plan was not clear, so this would be a clarification.

24  
25 COUNCIL PRESIDENT ANDREWS:  
26 OK.

27  
28 MARLENE MICHAELSON:

29 For properties along Maryland 118/I-270, TC-5 to TC-10, again, these properties are a mix  
30 of TS and TMX zoning, and the committee thought it made better sense to have the entire  
31 area be TMX-2 zoning for the entire site.

32  
33 COUNCIL PRESIDENT ANDREWS:  
34 OK.

35  
36 MARLENE MICHAELSON:

37 OK. Next we have TC-14 and TC-15. This is the Artery property with Safeway and  
38 EuroMotors. Again, TS zoning where the committee is recommending TMX zoning. And in  
39 one of the two areas in the plan where the committee did deviate from the Planning



July 14, 2009

1 Board's recommendation, the committee is recommending an increase in the FAR from  
2 1.0 to 1.5, and they did this in part because this area is adjacent to the highest-density  
3 transit station in Town Center, recommended for 2.0 FAR. So the property owner did  
4 request higher density, and the committee thought that this was appropriate level of  
5 density, both because this is the core of Town Center and they wanted to make sure that  
6 there were appropriate opportunities for redevelopment if the property owner wanted to do  
7 that, and because it's next to the highest density. The property owner was also concerned,  
8 once again, about plan language, saying that they were required to maintain a grocery  
9 store. The committee is instead recommending that the language be changed to say that  
10 there should be a destination anchor, such as a grocery store, which means it could be a  
11 bookstore, some other destination, but something that would still keep Town Center a  
12 destination point. The property owner also asked that the plan clarify that a mix of uses,  
13 including residential uses, was allowed on the site, because the site -- the language  
14 appeared to be somewhat contradictory as to whether residential could be included in the  
15 mix. Planning Department indicated it was their intent to allow a mix, and so the  
16 committee is recommending that clarification. Also, they were concerned about language  
17 which appeared to require single-use buildings, and as noted earlier, the committee is  
18 recommending instead that the plan encourage mixed use buildings, rather than prohibit  
19 single-use buildings. And that also, because the Artery Corporation had made a very big  
20 donation of public open space in the form of Black Rock and the park in front of it, that the  
21 plan recognize that and that the Planning Department look at this issue, what happens  
22 when you have a development that occurs over multiple phases but provides all its open  
23 space in the first phase, to make sure they don't get a second hit when they come back for  
24 the second phase, perhaps in a different zone. And so that is something we'll be looking at  
25 as part of the whole development process to make sure that that's fairly handled. Finally, I  
26 will note that Artery also had some comment about the Parking Lot District and concern  
27 about some language as to whether or not each property owner would be required to  
28 allocate some land. And I think what staff was intending, and what we can work out in the  
29 final language, was that each property owner will bear some responsibility for contributing  
30 to the success of the Parking Lot District. In some cases, it may be providing parking. In  
31 some cases, it may be providing land. In other cases, it may be providing funding. So we  
32 had not meant to suggest that there was only one option.

33  
34 COUNCIL PRESIDENT ANDREWS:

35 OK.

36  
37 ROYCE HANSON:

38 This may -- I want Miss Edwards to comment on this, but this may represent -- or this  
39 parcel may be representative of a problem that is general, and however you're drafting

July 14, 2009



1 this amendment to the Town Sector zone, needs to take into account because the --  
2 you've not only got the open space dedication here, but all of the open space dedication in  
3 Churchill Village was on the total 1,500 acres in the village. Now you're bringing all of  
4 these properties into a new zone that has a -- various kinds of open space and amenity  
5 requirements in it, and we're going to have to be clear in this transition, assuming you  
6 make it, of whether they are subject to the full provisions of the new zone or somehow  
7 they're exempted from some of the provisions of the new zone because what they did in  
8 the old zone. The other issue here is you're increasing the density of the property itself,  
9 which was based on a development plan in the Town Sector zone which was, what, a half  
10 FAR or a 1.0?

11  
12 SUE EDWARDS:

13 I think it was probably -- it was less. Karen is saying less. I think it was more.

14  
15 ROYCE HANSON:

16 OK.

17  
18 SUE EDWARDS:

19 But I believe what their -- their full development amount was predicated on a certain  
20 density, and as part of that, and also because the Germantown '89 Master Plan  
21 recommended a Town Center location for the civic use, which became Black Rock and  
22 the Town Commons in front, that was property that was Artery property, and so there was  
23 an association of the nexus of those facilities and the density that Artery, in its surrounding  
24 property, would be getting. So I think the chair has identified that that -- that isn't -- there's  
25 some clarity that needs to be investigated in that one.

26  
27 ROYCE HANSON:

28 You just -- you just need to be sure that the way in which you're crafting this text  
29 amendment takes care of this, and I think we just have to look at all of the ramifications of  
30 it to make sure it works.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 OK.

34  
35 ROYCE HANSON:

36 And you're not creating a new mess.

37  
38 SUE EDWARDS:



July 14, 2009



1 I think also, in terms of what was commented about the Town Sector zone and the Forest  
2 Conservation Exemption, what it has meant is that the Forest Conservation requirements  
3 at the time were met on properties outside of the Town Center, so that it's not that there's  
4 an exemption from it, but that there's no longer a new requirement that is needed to be  
5 met. Now, if those properties are transitioned into the TMX zone, where you decide the  
6 Forest Conservation -- sort of, under what zoning umbrella do you decide the Forest  
7 Conservation requirements?

8  
9 COUNCIL PRESIDENT ANDREWS:

10 All right. Councilmember Elrich, did you have a comment or question?

11  
12 COUNCILMEMBER ELRICH:

13 I guess I was wondering how hard it would be to work up -- what were the zoning rights in  
14 the beginning and what was the... the contribution and what's the magnitude of the  
15 change in the zoning with this to develop what an appropriate contribution should be? I  
16 mean, it clearly can't be starting from the beginning and it all is required, but neither is it  
17 necessarily true that what was given is sufficient, so...

18  
19 MARLENE MICHAELSON:

20 And I think the chair, at an earlier meeting -- Planning Board chair, at an earlier meeting,  
21 suggested that you need to look at proportionality, which I think is exactly right. So if, in  
22 the first phase, a property owner gave public open space contribution that covered the  
23 requirement for the entire development, but then only built out a small portion, then in later  
24 phases, they should not be required to do it again. To me, this is not just specific to this  
25 plan. It's probably anytime we change a zone that has a different requirement. So I'm  
26 thinking we want a broader approach that says, if you change the zoning, here's what  
27 happens in terms of a multiphase project for public open space.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 OK. I see heads nodding. OK.

31  
32 ROYCE HANSON:

33 But -- I agree, but you need to do that by the time you change the zoning on this plan.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 OK.

37  
38 MARLENE MICHAELSON:

39 I concur.

July 14, 2009



1  
2 COUNCIL PRESIDENT ANDREWS:

3 All right. We'll be coming back to that, then.  
4

5 MARLENE MICHAELSON:

6 OK. So...I assume we're done with this TC-14 and 15 and move on to TC-17, which is the  
7 Germantown Commons Shopping Center. It's developed property under the TS zone, but  
8 the committee, looking at -- comprehensively at the entire Town Center, thought that this  
9 was more appropriate in the TMX zone.  
10

11 COUNCIL PRESIDENT ANDREWS:

12 OK.  
13

14 MARLENE MICHAELSON:

15 And the next property is -- we're on page 26 now. It's the Trevion property, TC-18. Sector  
16 Plan recommends TMX zoning and a 1.0 FAR, and the property owner did ask for PB-60  
17 zoning or to keep the C-O zoning in place of the TMX-2 recommendation, and the  
18 committee considered this but thought that the zoning recommended in the Sector Plan  
19 and the density recommended in the Sector Plan is the right way to go and supported the  
20 Sector Plan.  
21

22 COUNCIL PRESIDENT ANDREWS:

23 OK. No comments.  
24

25 MARLENE MICHAELSON:

26 Sugarloaf Shopping Center, TC-20. The plan -- existing zoning is C-2, and the plan  
27 recommends RMX-2C, with an average density of 0.6 FAR, and the committee supported  
28 the Sector Plan's recommendations.  
29

30 COUNCIL PRESIDENT ANDREWS:

31 OK.  
32

33 MARLENE MICHAELSON:

34 TC-21 -- another property that's C-2 recommended for RMX-2C, and again, the committee  
35 supported the Sector Plan recommendations for the zoning and land use.  
36

37 COUNCIL PRESIDENT ANDREWS:

38 OK.  
39



July 14, 2009

1 MARLENE MICHAELSON:

2 OK. The next two properties -- TC-22, the Martens property, and TC-23, the Waters Road  
3 Triangle property, were discussed together in the Master Plan, and therefore they're dealt  
4 with together here. They were both recommended for RMX-2 with a total density of  
5 420,000 square feet of employment and retail and 400 dwelling units, split approximately  
6 halfway -- half on the commercial uses, and on the residential, 300 units on Martens and  
7 100 on Waters Road Triangle. On the Martens property, the committee received a request  
8 for an increase in density, which it did not support -- thought the Master Plan level of  
9 density was right. On the Waters Road Triangle property, the property owner indicated  
10 that the RMX-2 was -- that was currently zoned and was recommended continue made  
11 the uses non-conforming and shared his sense of the history of the prior Germantown  
12 Sector Plan, or Master Plan, that that was never the intent of the Council -- that the  
13 Council's intent was to zone this property in a way that would make it conforming. And I  
14 did have the opportunity to go back and look at the minutes of the old plan, and the  
15 property owner was correct. The intent was to make them conforming, and that can be  
16 done by changing the zoning to the RMX-2C. Since the Master Plan already caps the  
17 residential and the commercial units, really, the main impact of this is simply to make the  
18 properties conforming. It will not change the overall amount of residential or commercial  
19 density, because the plan already caps that, so the committee supported changing the  
20 zoning on the Waters Triangle property to RMX-2C.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 OK. No comments.

24  
25 MARLENE MICHAELSON:

26 The next property is the MARC station property, TC-24. The plan recommends rezoning it  
27 to TMX-2, and the committee supported that but recommended that the rationale for the  
28 rezoning be added to the plan to make it clear.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 OK.

32  
33 MARLENE MICHAELSON:

34 Next property, TC-25 -- currently O-M, recommended for TMX-2 zoning. Again, the  
35 committee supported the recommendations of the plan, but recommended adding the  
36 rationale for the rezoning.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 OK.



July 14, 2009

1  
2 MARLENE MICHAELSON:

3 We move on, then, to properties south of Maryland 118 between the MARC station and  
4 Wisteria and the TC-26 and TC-27, recommended for TMX-2. The committee supported  
5 that, but again recommended the rationale be included and also that an FAR limit for TC-  
6 27 be clear in the plan, and that should be 0.5.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 All right. The Council is for having a rationale.

10  
11 MARLENE MICHAELSON:

12 Yes.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 And clarity, too.

16  
17 MARLENE MICHAELSON:

18 Yes, exactly.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 OK.

22  
23 MARLENE MICHAELSON:

24 OK. On the Medical Office Park, TC-28 and TC-29. You've just been through a number of  
25 properties in a quadrant of the plan that are all recommended for TMX-2. These two  
26 properties are recommended for RMX-2/TDR, and the committee supported the land use  
27 recommendations and the densities, but suggests rezoning this to TMX-2 so the entire  
28 area has a single zone. If these properties are to be redeveloped -- and we have no  
29 inclination that the post office has any plans to redevelop, but if they are, it could facilitate  
30 a joint redevelopment with surrounding properties -- but once again, under the land use  
31 and density recommendations that are currently in the plan.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 OK.

35  
36 MARLENE MICHAELSON:

37 There are several unidentified properties in Town Center. If you look on the -- the map of -  
38 - on page 57, or I guess more clearly shown is the map there, and what you can see is  
39 that the plan recommended retaining -- recommended TMX zoning on several areas. The

July 14, 2009



1 committee then added TMX zoning, changing a lot of the TS property. And then there  
2 were some properties that did not have numbers, were not identified in the plan, primarily  
3 because they were built out and Planning Department staff had no inclination that they  
4 would redevelop in the life of this Master Plan. And so the committee did go through those  
5 and recommend that certain of the properties be rezoned from TMX, primarily those  
6 directly in between two TMX properties, and the ones on the edge of the planning area  
7 that are adjacent to other TS properties, they recommend keeping as TS. I do want to  
8 note that when the committee did its review -- and I was at fault here for not pointing out  
9 that there is a tiny little TS property. It is right at the corner between 18 and 19, and I  
10 believe it's a County-owned property, but it's -- it would now be a very small property  
11 surrounded by all TMX property, so that should be TMX, as well. Yes, it's so small that I  
12 didn't even --

13  
14 COUNCIL PRESIDENT ANDREWS:

15 How small is it?

16  
17 MARLENE MICHAELSON:

18 Do you know the size of it? I think we're -- maybe we're talking a half-acre or something  
19 like that? Is that about right, or... More than that?

20  
21 SUE EDWARDS:

22 It's the location of the park there at the corner of Middlebrook and 118, so we think it's  
23 more like maybe one, one and a quarter acres.

24  
25 MARLENE MICHAELSON:

26 OK. So that would -- that would be changed, as well.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 OK. All right.

30  
31 MARLENE MICHAELSON:

32 OK. That's it for the Town Sector. We're going to move on to the next area, which is the  
33 Gateway District, and the main property here was the Rolling Hills property, and the plan  
34 recommends RMX-1 zoning. The committee supported the zoning, and this was the single  
35 issue in the entire plan where there was a split vote on the committee, which I think is -- is  
36 probably a record for a plan of this size and number of issues.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 We waited so long for drama. Here we go.



July 14, 2009

1  
2 MARLENE MICHAELSON:

3 Yeah, here we go. And this is a property that is recommended for higher density  
4 residential zoning. The plan recommends development at 25 units to the acre, and the  
5 property owner requested 30 units to the acre. A majority of the committee did support  
6 that increase. Councilmember Elrich supported the Master Plan-recommended 25 units to  
7 the acre.  
8

9 COUNCIL PRESIDENT ANDREWS:

10 I think I still see the sword sticking out.  
11

12 COUNCILMEMBER ELRICH:

13 Indeed.  
14

15 MARLENE MICHAELSON:

16 And I suspect he wants to address it, so...  
17

18 COUNCILMEMBER ELRICH:

19 Yeah, I -- this was the one place where there was some disagreement, and I just want to  
20 say that the argument for doing this is predicated that it's next to a MARC station, and I  
21 just want to say, big whoop. I mean, the MARC station doesn't do very much. It is not like  
22 being even next to the mythical CCT station. It's the MARC station. It's got very little -- it  
23 doesn't really serve as a full-service transit facility. It's south in the morning, infrequently.  
24 It's north in the evening. We know that it's not heavily used. I believe Planning staff didn't  
25 even recommend 25. I think Planning staff actually brought to the Planning Board 18. So  
26 the Board took it from 18 to 25, and now the Council, simply because the developer says,  
27 "I want to go to 30," is granting 30. I mean, there's no basis to think you've got adequate  
28 transit at this site to do that level of density. You probably should be doing the 18 level of  
29 density, but there's certainly no reason to assume that at this site, people are going to  
30 leave their homes and get on the MARC and go anywhere. MARC just doesn't drive or  
31 draw that heavy ridership to begin with, and I think it's a real mistake to predicate this  
32 higher level of density on the MARC system. It's just not there. If this was next to the CCT,  
33 I would feel differently, but it's not, and I think we ought to go back to a lower level of  
34 density.  
35

36 COUNCIL PRESIDENT ANDREWS:

37 OK. And then Councilmember Floreen has a comment on this, too.  
38

39 COUNCILMEMBER FLOREEN:



July 14, 2009

1 Other point of view. Well, I don't get too hung up on these numbers in the plan because to  
2 my knowledge, no project has ever been approved at the density that it's zoned for, so  
3 that's one thing. The other issue is that it is close to MARC. It's across the street from a  
4 shopping center. It's on a roadway that has bus service, and what actually I think might  
5 have made it unique amongst properties we looked at, it had -- has an owner with some  
6 interest in actually making it happen, which is unlike nearly every other property that we  
7 took up in this, and it seemed to others of us that it was worth doing. We fully expect the  
8 Planning Board to exercise its usual due diligence in terms of compatibility and number of  
9 trips and all that sort of thing. That would be resolved in any event. So I honestly don't  
10 view it as a huge difference -- an opportunity that has to be satisfied at the review process  
11 that exists at the Planning Board.

12  
13 ROYCE HANSON:

14 We took a very careful and I think repeated look at this property in our worksessions. The  
15 utilization of transit by the residents of the apartments there now is very small, and --

16  
17 COUNCILMEMBER FLOREEN:

18 The issue with that, though, is that the applicant was proposing to make a functional  
19 connection that doesn't exist.

20  
21 ROYCE HANSON:

22 The -- well, the applicant is proposing to substantially increase the density of the project.  
23 We felt, after listening to the developer, or the developers' attorney, and after weighing the  
24 matter in terms of the relative increase in density and the potential utilization of transit, its  
25 location very near the historic district, and the view of the board that in terms of the overall  
26 density that ought to be recommended for this site, that, over the recommendation of our  
27 staff, which had looked at it even longer than we had, we'd moved it up to 25 from 18. And  
28 we think it can develop at 25, and if we're really talking about 25, we ought to set it at 25.  
29 We concur in Mr. Elrich's wisdom.

30  
31 COUNCILMEMBER ELRICH:

32 I don't think it's fair for us to talk about numbers and make plans and then we actually  
33 don't think anything is going to develop to this. I mean, we either have to say we have  
34 some expectations that what we're doing is serious, or everything is -- I mean, you could  
35 just put any number on anything and hope for whatever happens to happen. I take, you  
36 know, the setting of numbers and densities and listening to people's arguments for why or  
37 why not you should have a density as something I should consider seriously. I think that in  
38 the case of this property, it's next to the MARC station. It didn't need a better connection.  
39 Given what people experience, if you're trying to drive down 355 or 270 in the morning, it's



July 14, 2009

1 hard to imagine that the improvement in the connection between the apartments and the  
2 MARC station is what's necessary to get people to avoid the mess on I-270 if that's what  
3 they really wanted to avoid. I mean, where MARC goes -- which is, of course, as we know,  
4 not many places -- but where it does go, it goes relatively quickly. And the trade-off for a  
5 person living in the apartments versus getting in a car and setting out down I-270 or 355  
6 versus getting on the train seems to me to argue that if you wanted to use MARC, you'd  
7 be using MARC already. The fact that an adjacent -- that a project adjacent to the MARC  
8 system doesn't provide any usage to the system indicates just how limited that facility is in  
9 its current configuration. I mean, could it be different? I mean, yeah, if they laid in two  
10 tracks and you ran bidirectional traffic in the corridor, it probably would be better, but as it  
11 is right now, it's not something we should predicate densities on.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 OK. Well, I would suggest we come back to this one on the 28th, since there is division on  
15 this one and we have several Councilmembers that aren't here at the moment. So let's do  
16 that. Councilmember Ervin. Sorry.

17  
18 COUNCILMEMBER ERVIN:

19 I just want to go back to Councilmember Floreen's point about this developer wanting to  
20 do something about the bus -- the bus situation. I want to get some more information  
21 about what the developer is proposing to do in that regard. It seems to me like we go back  
22 to the question again, what is our public policy goal around mixed use development? And  
23 I'm really curious, because Councilmember Elrich seems to be totally opposed to this  
24 density at this site, but I want to hear more about the bus connection and what the  
25 developer is planning on doing around that.

26  
27 ROYCE HANSON:

28 Our understanding on a timing, Ms. Ervin, is that they were not talking about development  
29 within the next 10 years. I may be wrong about that. We'll check and make sure.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 I have a question, too, which you may know the answer to, may not, but the size of the  
33 property, its says, is 40 acres. What would be a rough guideline as to what percentage of  
34 that, how many of those 40 acres, would be developed?

35  
36 ROYCE HANSON:

37 Well, in one sense, all of it, but the development includes area being set aside as open  
38 space.



July 14, 2009



1 COUNCIL PRESIDENT ANDREWS:

2 Right.

4 MARLENE MICHAELSON:

5 If you look at the diagram, there's actually open space in the middle of the project, but  
6 they get the -- the density is calculated on the entire site.

8 ROYCE HANSON:

9 Yeah. Density is calculated on the whole tract.

11 MARLENE MICHAELSON:

12 So if you're trying -- fortunately, this is an easy math one -- 40 acres, additional five units,  
13 we're talking somewhere around 200 additional units.

15 COUNCIL PRESIDENT ANDREWS:

16 Right. That's right. That was the math I had. I wanted to make sure that was right. So, OK.  
17 Well, that's a significant number.

19 COUNCILMEMBER ELRICH:

20 I just want to add that, you know, when we're talking about what the original priorities for  
21 this Master Plan were, were jobs, and if the notion here is this is the one project that's  
22 ready to go forward, this is housing, and since there's a dearth of jobs for the population  
23 that already exists up there, you're basically creating the reverse effect of what all these  
24 efforts in this Master Plan are supposed to be, which is, put more jobs where people live  
25 and improve the jobs-housing balance. Instead, this says, let's go forward with a bunch of  
26 new housing, knowing that there aren't any jobs in the region, the policy area, to support  
27 it, so they're going to be going outside of the policy area anyway. It seems to be, you  
28 know, not -- the fact that they're ready to go forward is not nearly as interesting to me as if  
29 there was a commercial property ready to go forward, because that's what we're  
30 supposed to be trying to encourage here.

32 COUNCIL PRESIDENT ANDREWS:

33 Right. So, just to sum up, the difference in the number of units that would be allowable  
34 under the three different conclusions that entities reached were 720 units recommended  
35 by the Planning Board staff as the maximum, 1,000 units recommended by the Planning  
36 Board and Councilmember Elrich, and 1,200 units recommended by the committee, would  
37 be the theoretical maximum for this property. So...All right. We'll get the information that  
38 Councilmember Ervin requested, and any other questions people have, they should bring  
39 them forward, and then we'll come back to this on the 28th. Thanks.



July 14, 2009

1  
2 MARLENE MICHAELSON:

3 OK. Moving, then, on, we're now on to page 32 and the Oakwood properties. And these  
4 are properties outside the Sector Plan boundaries that asked for changes in the  
5 population calculation so that they could accommodate a senior housing project, once  
6 again, highlighting sort of the unique nature of the population cap in the TS zone, but in  
7 this case, the committee did not feel that anything could be done because, A, they're  
8 outside the Sector Plan boundaries, and changing the population cap would be a change  
9 in the way the TS zone works that they weren't - the committee wasn't prepared to  
10 support.

11  
12 COUNCIL PRESIDENT ANDREWS:  
13 OK.

14  
15 MARLENE MICHAELSON:

16 OK. The historic Cider Barrel is in the planning area, and for those of you who were on the  
17 tour, you actually got to see it. It's currently completely surrounded by residential housing  
18 and is not being used in any way, and the plan recommends relocating it, hopefully with  
19 some sort of interpretive use in a more appropriate location. We did get some testimony  
20 suggesting that historic resources really need to stay in their historic location, but the  
21 committee agreed with the plan and thought it was far more important to relocate this  
22 someplace where it could actually be appreciated, rather than to have it in an area where  
23 it was shut down and could not be in any way used or viewed by the public.

24  
25 COUNCIL PRESIDENT ANDREWS:  
26 OK.

27  
28 MARLENE MICHAELSON:

29 OK. Moving on, then, to the environmental issues, There's a section on the environment in  
30 the plan, on pages 32-33. The committee supported the plan and recommended adding a  
31 discussion on the carbon footprint analysis to the plan, and also was concerned about the  
32 Germantown Bog, but felt that that was not a Master Plan issue, but a separate follow-up  
33 issue that should be dealt with by either this committee or perhaps the T&E Committee in  
34 another venue, and I'll -- I know that Councilmember Elrich has some comments that he  
35 wants to propose, so...

36  
37 COUNCIL PRESIDENT ANDREWS:  
38 He does. OK. Councilmember Elrich.



July 14, 2009

1 COUNCILMEMBER ELRICH:

2 I think -- excuse me. I think everybody has gotten a copy this morning of what I was  
3 proposing as additional language to the environmental section. It doesn't really increase  
4 any requirements. What it does is draw highlight to and attention to elements of the  
5 environment that -- that we think that the original draft, staff draft report, was lacking. We  
6 don't think -- it will not result in any, I think, effective change on the ground, other than put  
7 in the body of the text rather than the appendices what it is we're trying to accomplish in  
8 Germantown in terms of preservation of the environment. The one thing that it might have  
9 a positive -- that it would have a positive aspect on is, there's a section on  
10 recommendations, and as Marlene has pointed out to me this morning that having this in  
11 there means that if we decide we need to acquire something using ALARF for  
12 environmental reasons, having the reference to this in the Master Plan will enable us to do  
13 that with ALARF funds. If it's not in the Master Plan, then we won't be able to do this. This  
14 will give us some additional flexibility should we decide we need to acquire some land for  
15 environmental protection. But the rest of it is basically just to provide whoever reads the  
16 Master Plan a better view of what's there environmentally and what we're trying to  
17 accomplish environmentally. And if Marlene has any comments that...

18  
19 MARLENE MICHAELSON:

20 No. I think you've summarized it well. I think the only change to this I would recommend is  
21 perhaps deleting some of the references to previous studies that were done, only because  
22 I'm concerned that if 20 or 30 years from now, someone reads the plan and says the  
23 recommendation is based on a 1990 study, it will appear to invalidate the plan, but I think  
24 that's a minor technical change, rather than a substantive one, so otherwise --

25  
26 COUNCILMEMBER ELRICH:

27 I'm agreeable to that, from my point of view.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 OK. I'm going to suggest that we come back to this, as well, on the 28th, to give whoever  
31 might want to comment on it more time, since we got it this morning, and to make the  
32 changes that you just talked about. But Councilmember Floreen has a comment or  
33 question.

34  
35 COUNCILMEMBER FLOREEN:

36 I just saw it this morning, too. My only question is, is this the same language that's in the  
37 appendix?

38  
39 COUNCILMEMBER ELRICH:

July 14, 2009



1 It's not...it's not exactly.  
2  
3 COUNCILMEMBER FLOREEN:  
4 I mean...  
5  
6 MARY DOLAN:  
7 It's extracted from the appendix. Mary Dolan, Environmental Planning.  
8  
9 COUNCILMEMBER FLOREEN:  
10 Is this -- the only reason I ask, is it -- if it's the language that's in the appendix, it's fine with  
11 me. I don't -- I'm indifferent to where it's located. If it is different language than what's in  
12 the appendix --  
13  
14 MARY DOLAN:  
15 It's not.  
16  
17 COUNCILMEMBER FLOREEN:  
18 You always have the issue of whether, you know, it's -- how it's interpreted by other  
19 people, so that's --  
20  
21 COUNCILMEMBER ELRICH:  
22 I think some of the sentences might have gotten written differently to fit in with this, but I  
23 don't think there's any --  
24  
25 MARY DOLAN:  
26 It's very close to the -- to the appendix -- certainly not substantively different.  
27  
28 COUNCILMEMBER FLOREEN:  
29 It's substantively the same. Well, OK. And if Marlene concurs, that's, you know -- I don't  
30 think there's likely to be any issue.  
31  
32 COUNCIL PRESIDENT ANDREWS:  
33 OK. All right.  
34  
35 COUNCILMEMBER ELRICH:  
36 Thank you.  
37  
38 COUNCILMEMBER FLOREEN:  
39 But it would be helpful to bring it up during the committee session.

July 14, 2009



COUNCILMEMBER ELRICH:

Well, I did, but I didn't have language. I did mention that.

COUNCILMEMBER FLOREEN:

Oh, I missed it.

COUNCILMEMBER ELRICH:

Remember? I asked about bringing the appendices forward, and we decided not to do that, so I -- we -- Claire worked on this and kind of abbreviated it and blended it in to the existing text.

COUNCILMEMBER FLOREEN:

OK.

COUNCIL PRESIDENT ANDREWS:

OK. Well, everybody can take another look at it, and we'll vote on it the 28th. OK?

MARLENE MICHAELSON:

OK. Next issue is amenities, and here the list of proposed amenities that are required under the TMX zone are in the appendix, and the committee thought that it was important to move those to the body of the plan so that if there's any development application pending, it would be very clear what those requirements were. Keep going?

COUNCIL PRESIDENT ANDREWS:

Yeah.

MARLENE MICHAELSON:

OK. Technical corrections -- we did just want to mention that we had in testimony received some technical corrections, and so that those people who submitted them, they're not being ignored. In my view, many of them did not rise to a level of Council discussion, but we will be going through every single one of them and making those corrections in the plan.

COUNCIL PRESIDENT ANDREWS:

OK.

MARLENE MICHAELSON:

July 14, 2009



1 And then finally, just in terms of the appendices, with some things moving into the body  
2 and some things either outdated, whatever, we'll be going and doing a cleanup of the  
3 appendices and trying to cull out anything that may not be necessary as a result of all the  
4 changes that have been made.

5  
6 COUNCIL PRESIDENT ANDREWS:  
7 OK.

8  
9 MARLENE MICHAELSON:  
10 And that's it on the Sector Plan.

11  
12 COUNCIL PRESIDENT ANDREWS:  
13 That's it for this packet, and we are going -- we are going to wrap up this afternoon soon,  
14 but we do have Mr. Gonzales here from the Executive branch, and we'll be getting into the  
15 transportation elements on the 28th. I don't think we'll get --

16  
17 MARLENE MICHAELSON:  
18 OK. So you didn't want to start this today. OK.

19  
20 COUNCIL PRESIDENT ANDREWS:  
21 I don't, but I do want to see if we can identify any issues that need further information, so if  
22 Councilmembers have questions about the transportation packet that they want to put out  
23 there now, or comments they want to make that -- to draw, you know, attention of other  
24 Councilmembers to particular issues, or if Mr. Gonzalez wants to make a few comments  
25 now to get us thinking about whatever perspective the Executive branch has, that would  
26 be fine. We can spend a few minutes doing that before we wrap up.

27  
28 EDGAR GONZALEZ:  
29 OK. It's been a confusing day. I thought you were not going to get to transportation. I  
30 talked to Linda, she said, oh, yes, we will.

31  
32 COUNCIL PRESIDENT ANDREWS:  
33 Yes. And we're not, really, but if you want to put some -- if you just want to give us a  
34 preview of what you're going to say on the 28th.

35  
36 EDGAR GONZALEZ:  
37 The critical issue for us has always been the land use/transportation balance, OK -- that  
38 the plan has to be balanced. And the balance is made up by the fact that you have certain  
39 densities, certain economic development and housing elements, you have a ?????, and

July 14, 2009



1 you certain facilities that add in vision. And it is important to identify what the impacts of  
2 those facilities are going to be. Specifically, if you are proposing interchanges to make it a  
3 land use balance, it's not enough to have a little circle on a map, but it has to be -- there  
4 has to be some concept of what the impacts are going to be. When you go on a zone-by-  
5 zone basis or on a property-by-property basis, what are the future impacts? You need to  
6 know that, and the property owners need to know that, and future purchasers should know  
7 that, not just a little circle. So that's one of the -- one of the elements. And then, we'll get --  
8 I think we'll talk about the staging. That is going to be very important to us, but it has  
9 probably been covered to the level in which we have reached agreement with -- with the  
10 Planning Board and hopefully with you. That's going to be about the major issue, is the  
11 land use balance and what it means -- when you do these things, what does it mean?  
12 These are implementable projects, so let's make sure that if we put them in here, that we  
13 mean that we're going to build them.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 All right. Thank you. And I now know how long it takes Dr. Orlin to get from his office to  
17 here.

18  
19 MARLENE MICHAELSON:

20 And I did just want to mention that the Planning Department is rerunning the  
21 transportation model based on final refinements made by the Planning Board that may not  
22 have been captured in their earlier run, and also what the committee did, so they're  
23 double-checking to make sure we don't have a problem with balance as a result of these  
24 changes.

25  
26 COUNCIL PRESIDENT ANDREWS:

27 OK. All right. Dr. Orlin is here. Can you give me -- can you give us a... say a five-minute  
28 preview of this? Well, three to five. OK. Give you a little flexibility there. Three- to five-  
29 minute preview of what you want us to be thinking about over the next two weeks  
30 regarding the issues in the transportation packet, because I want to see if there are any  
31 questions that result from what you're going to say now that then we can have you work  
32 on before -- well before the 28th.

33  
34 GLENN ORLIN:

35 Actually, I don't have any general comments. Really, all these individual issues, they can  
36 just go through them, and if there's something that comes up that we need more time on,  
37 then we'll come back.

38  
39 COUNCIL PRESIDENT ANDREWS:

July 14, 2009



1 OK. All right. No one objects to that.

2  
3 GLENN ORLIN:

4 Oh, we're not coming back on the 28th?

5  
6 COUNCIL PRESIDENT ANDREWS:

7 Yes, we are. Yes.

8  
9 GLENN ORLIN:

10 No, I'm sorry. What I meant was, if there's any problems today, as we go through this, if  
11 you have questions we need to come back to, we'd come back to them on the 28th.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 OK.

15  
16 GLENN ORLIN:

17 That's what I meant.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 Yeah. We will set aside the afternoon of the 28th for coming back to the Germantown  
21 Sector Plan, and we'll be spending most of that time on staging and -- and this part.  
22 Councilmember Floreen.

23  
24 COUNCILMEMBER FLOREEN:

25 Just a teeny little issue, Glenn. We talked about 270 access from Dorsey Mill Road or --  
26 and I know we -- the committee recommended at least looking at getting -- the issue was  
27 getting access to that from land use. And I know that in the committee, we said, take a  
28 look at whether access could be acquired to and from the north on 270, and I'd like you to  
29 take a look at whether we could include language that would include "to and from the  
30 south," as well.

31  
32 GLENN ORLIN:

33 My understanding is that what the state has said is that they wouldn't -- as of right now,  
34 they wouldn't give access-point approval for either north or south.

35  
36 COUNCILMEMBER FLOREEN:

37 Yeah.

38  
39 GLENN ORLIN:



July 14, 2009



1 But that the reason why we included the language anyway about the north was that things  
2 change.

3  
4 COUNCILMEMBER FLOREEN:

5 Yeah. Well, that's -- and that's why I'd like you take a look at the south. I'm still living with  
6 someone's decision years ago to not allow me access to the Beltway from 355 towards  
7 Virginia. So I made that call. I'm still mad at him.

8  
9 GLENN ORLIN:

10 Long time ago.

11  
12 COUNCILMEMBER FLOREEN:

13 And I'm hoping Mr. Berliner will take up that banner, as well, in his charge to improve  
14 access to Wisconsin Avenue. But the thing is, if you don't say it somewhere, as the  
15 Planning Board chair would say, you never even get to have that conversation.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 So an off-ramp onto Strathmore Avenue?

19  
20 COUNCILMEMBER FLOREEN:

21 Well, just a way to get on towards Virginia would be a very -- towards Councilmember  
22 Berliner's house would be a desirable objective, as well. But so -- if you could take a look  
23 at that.

24  
25 GLENN ORLIN:

26 Sure. Could I --

27  
28 COUNCILMEMBER FLOREEN:

29 Well, that's what we do. It's very -- it's very bad for our carbon footprint.

30  
31 GLENN ORLIN:

32 I don't know what your all schedules are, but I think if we could maybe stay till 4:30, we  
33 could finish this and not have to come back. Because you're going to have a busy day on  
34 the 28th.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 It was. No, I want to -- no, we're going to come back on it.

38  
39 GLENN ORLIN:

July 14, 2009



1 OK.

2  
3 COUNCIL PRESIDENT ANDREWS:

4 But I do want to give the Planning Board a chance to make any comments they want  
5 about this packet, too. Mr. Hardy, if you have any comments you want to make now that  
6 you want us to think about...

7  
8 DAN HARDY:

9 I think -- like Dr. Orlin said, I think there are items that we'll go through one by one. I don't  
10 think there's anything overall to really say. We have been coordinating with Edgar and his  
11 staff on what the footprint of the intersections are going to be. We share the interest in  
12 making sure that whatever goes in the plan is ultimately implementable. The key, though,  
13 is we do think that the circle is the right thing to put in the plan itself. What's important is to  
14 have something in an appendix or in documentation that gives a sense that the right-of-  
15 way we're reserving is going to make the interchange be able to be built when it's ready.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 OK. I also want to do this section when we have the chairman of the PHED Committee  
19 here.

20  
21 COUNCILMEMBER FLOREEN:

22 If I could just say, I don't think there are any disagreements, by and large, of any  
23 significance throughout this whole section, so whenever we take it up, it shouldn't take  
24 long.

25  
26 GLENN ORLIN:

27 One was a 2-1 vote.

28  
29 COUNCILMEMBER FLOREEN:

30 Well, I know, but I lost that one, and I don't care that much.

31  
32 COUNCIL VICE PRESIDENT BERLINER:

33 She appears to be giving up.

34  
35 COUNCILMEMBER FLOREEN:

36 I've given up. It's not worth it.

37  
38 COUNCIL PRESIDENT ANDREWS:

July 14, 2009



- 1 There's no sword sticking out. OK. All right. All right. That does it for today. Thank you,
- 2 everybody.
- 3